



**ROANOKE CITY COUNCIL
REGULAR SESSION**

**MARCH 16, 2015
2:00 P.M.**

CITY COUNCIL CHAMBER

AGENDA

1. Call to Order--Roll Call.

The Invocation will be delivered by The Reverend Amy C. Hodge Ziglar, Pastor, Mt. Zion AME Church.

The Pledge of Allegiance to the Flag of the United States of America will be led by Mayor David A. Bowers.

Welcome. Mayor Bowers.

NOTICE:

Today's Council meeting will be televised live and replayed on RVTV Channel 3 on Thursday, March 19 at 7:00 p.m., and Saturday, March 21 at 4:00 p.m.; and video streamed by internet through Rev.Net Technologies, Inc., at <http://www.wrev.net> Council meetings are offered with closed captioning for the hearing impaired.

ANNOUNCEMENTS:

THE PUBLIC IS ADVISED THAT MEMBERS OF COUNCIL RECEIVE THE CITY COUNCIL AGENDA AND RELATED COMMUNICATIONS, REPORTS, ORDINANCES AND RESOLUTIONS, ETC., ON THE THURSDAY PRIOR TO THE COUNCIL MEETING TO PROVIDE SUFFICIENT TIME FOR REVIEW OF INFORMATION.

THE CITY CLERK'S OFFICE PROVIDES THE MAJORITY OF THE CITY COUNCIL AGENDA ON THE INTERNET FOR VIEWING AND RESEARCH PURPOSES. TO ACCESS AGENDA MATERIAL, GO TO THE CITY'S HOMEPAGE AT WWW.ROANOKEVA.GOV, CLICK ON THE GOVERNMENT ICON.

NOTICE OF INTENT TO COMPLY WITH THE AMERICANS WITH DISABILITIES ACT. SPECIAL ASSISTANCE IS AVAILABLE FOR DISABLED PERSONS ADDRESSING CITY COUNCIL. EFFORTS WILL BE MADE TO PROVIDE ADAPTATIONS OR ACCOMMODATIONS BASED ON INDIVIDUAL NEEDS OF QUALIFIED INDIVIDUALS WITH DISABILITIES, PROVIDED THAT REASONABLE ADVANCE NOTIFICATION HAS BEEN RECEIVED BY THE CITY CLERK'S OFFICE.

PERSONS WISHING TO ADDRESS COUNCIL WILL BE REQUIRED TO CONTACT THE CITY CLERK'S OFFICE PRIOR TO THE TUESDAY COUNCIL MEETING, OR REGISTER WITH THE STAFF ASSISTANT AT THE ENTRANCE TO THE COUNCIL CHAMBER PRIOR TO COMMENCEMENT OF THE COUNCIL MEETING. ONCE THE COUNCIL MEETING HAS CONVENED, THERE WILL BE NO FURTHER REGISTRATION OF SPEAKERS, EXCEPT FOR PUBLIC HEARING MATTERS. ON THE SAME AGENDA ITEM, ONE TO FOUR SPEAKERS WILL BE ALLOTTED FIVE MINUTES EACH; HOWEVER, IF THERE ARE MORE THAN FOUR SPEAKERS, EACH SPEAKER WILL BE ALLOTTED THREE MINUTES.

ANY PERSON WHO IS INTERESTED IN SERVING ON A CITY COUNCIL APPOINTED AUTHORITY, BOARD, COMMISSION OR COMMITTEE MAY CONTACT THE CITY CLERK'S OFFICE AT 853-2541, OR ACCESS THE CITY'S HOMEPAGE TO OBTAIN AN APPLICATION.

THE COUNCIL OF THE CITY OF ROANOKE IS SEEKING APPLICATIONS FOR THE FOLLOWING CURRENT OR UPCOMING EXPIRATIONS OF TERMS OF OFFICE:

**ARCHITECTURAL REVIEW BOARD - ONE VACANCY
TERM OF OFFICE ENDING OCTOBER 1, 2018**

**BOARD OF ZONING APPEALS – ONE VACANCY
UNEXPIRED TERM OF OFFICE ENDING DECEMBER 31, 2015**

**FAIR HOUSING BOARD – ONE VACANCY
ONE TERM OF OFFICE ENDING MARCH 31, 2018**

**YOUTH SERVICES CITIZEN BOARD – VACANCIES
4-ONE, 4-TWO, 5-THREE, AS WELL AS TWO STUDENT MEMBERS
COMMENCING JULY 1, 2015
(DEADLINE FOR RECEIPT OF APPLICATIONS – APRIL 15, 2015)**

EXPIRATION OF THE THREE-YEAR TERMS OF OFFICE OF MAE G. HUFF, TODD A. PUTNEY, AND RICHARD M. WILLIS, JR., AS TRUSTEES OF THE ROANOKE CITY SCHOOL BOARD ENDING JUNE 30, 2015. TRUSTEES HUFF AND PUTNEY ARE NOT ELIGIBLE FOR REAPPOINTMENTS. SCHOOL BOARD APPLICATION MAY BE COMPLETED ONLINE OR DOWNLOADED AT <http://www.roanokeva.gov/schoolboardapplication>, CITY'S WEBSITE OR IN THE CITY CLERK'S OFFICE. DEADLINE FOR RECEIPT OF APPLICATIONS HAS BEEN EXTENDED UNTIL 5:00 P.M. ON MONDAY, MARCH 16, 2015, IN THE CITY CLERK'S OFFICE, 215 CHURCH AVENUE, S. W., SUITE 456.

2. PRESENTATIONS AND ACKNOWLEDGEMENTS:

Recognition of Jennifer Hatch as the William C. Lowry Mathematics Educator of the Year for the middle school level.

3. HEARING OF CITIZENS UPON PUBLIC MATTERS:

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. ALL MATTERS WILL BE REFERRED TO THE CITY MANAGER FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL, AS HE MAY DEEM APPROPRIATE.

4.

CONSENT AGENDA

ALL MATTERS LISTED UNDER THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE MEMBERS OF CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF DISCUSSION IS DESIRED, THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

- C-1 A communication from Mayor David A. Bowers requesting that Council convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended. A list of current vacancies is included with the agenda for this meeting. P. 12

RECOMMENDED ACTION: Concur in the request.

- C-2 A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss or consider acquisition of real property where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711(A)(3), Code of Virginia (1950), as amended. P. 14

RECOMMENDED ACTION: Concur in the request.

- C-3 A communication from the City Clerk advising of the resignation of The Reverend Erin Hensley as an-At large City representative of the Blue Ridge Behavioral Healthcare Board of Directors to fill the unexpired term of Max E. Davis ending .December 31, 2016. P. 15

RECOMMENDED ACTION: Accept resignation and receive and file communication.

- C-4 A report of the City Attorney recommending that City Council take no action to ban circus performances involving wild and exotic animals at this time. P. 16

RECOMMENDED ACTION: Receive and file.

- C-5 A communication from Debbie Bonniwell, Executive Director, Blue Ridge Behavioral Healthcare, requesting concurrence in the appointment of Gregory Hamilton as an at-large Board appointee of the Blue Ridge Behavioral Healthcare Board of Directors to fill the unexpired term of Daniel E. Karnes ending December 31, 2015. P. 25

RECOMMENDED ACTION: Concur in the request.

- C-6 Report of qualifications of Karri B. Atwood as a member of the City Planning Commission to fill the unexpired term of Mark Futrell ending December 31, 2016; and Christopher M. Vail to replace Barbara Botkin as a member of the Architectural Review Board for a term ending October 1, 2018.

RECOMMENDED ACTION: Receive and file.

REGULAR AGENDA

5. PUBLIC HEARINGS: NONE.

6. PETITIONS AND COMMUNICATIONS: NONE.

7. REPORTS OF CITY OFFICERS AND COMMENTS OF CITY MANAGER:

a. CITY MANAGER:

BRIEFINGS:

- Continuation of FY2016 Budget/Financial Planning Work Session P. 26

ITEMS RECOMMENDED FOR ACTION:

1. Acceptance and appropriation of funds for a supportive services grant from the U. S. Department of Housing and Urban Development to the City of Roanoke Homeless Assistance Team for a one year period beginning February 1, 2015. P. 33 R. 35

B/O. 36

- | | | |
|-----|--|---------------------------|
| 2. | Acceptance of a donation of funds from Member One Federal Credit Union as part of the City's "Beauty Roanoke Interchanges through Enhancement" (BRITE) Program to assist the City with the maintenance of the landscaping in the southeast quadrant of the Routel-581/Williamson Road interchange, and specifically an educational component regarding the environmental impact of stormwater run-off; and appropriation of funds in connection therewith. | P. 37
R. 39
B/O. 40 |
| 3.. | Amendment of Chapter 6, <u>Animals and Fowl</u> , Code of the City of Roanoke (1979), as amended, to define the position of an animal warden as a civilian employee and to ensure that animal wardens have the same meaning and authority as an animal control officer as defined in Section 3.2-6500, Code of Virginia (1950), as amended; and to increase the exemption age of dogs kept on residential property from four months to six months to be consistent with the City's Zoning Ordinance. | P. 41
O. 43 |
| 4. | Authorization to renew the contract dated February 6, 2013, between the City of Roanoke on behalf of City's Department of Social Services and Carilion Medical Center for two Outstationed Medicaid Eligibility Workers for two additional and successive one year periods; and appropriation of funds in connection therewith. | P. 50
R. 51
O. 53 |
| 5. | Authorization to acquire certain real property rights needed in connection with the Trevino Circle/Monterey Road Stream Restoration and Channel Improvements Project. | P. 54
O. 56 |
| 6. | Authorization to acquire and demolition certain real property located at 1906 Laura Road, N. W., designated as Official Tax Map No. 6140322, which is subjective to repetitive flooding, under the Federal Emergency Management Agency's Hazard Mitigation Grant Program | P. 58
O. 60 |

COMMENTS OF CITY MANAGER.

b. CITY ATTORNEY:

- | | | |
|----|--|----------------|
| 1. | Authorization to direct the City Treasurer to refund an overpayment of an erroneous assessment of real estate taxes on real property located on Edmunds Avenue, N. E., designated as Official Tax Map No. 3222217. | P. 62
R. 74 |
|----|--|----------------|

c. **DIRECTOR OF FINANCE:**

1. Presentation with regard to Fitch Ratings and Standard & Poor's affirmed Roanoke's AA+/Stable Outlook rating.
2. Authorization to establish the percentage reduction for personal property tax relief for the 2015 tax year.

P. 76

P. 78

R. 79

8. REPORTS OF COMMITTEES:

- a. A report of the Roanoke City School Board requesting appropriation of funds for various educational programs; and a report of the Director of Finance recommending that Council concur in the request. Donna Caldwell, Director of Accounting, Spokesperson.
- b. A status report regarding the 2015 General Assembly legislative matters. Court G. Rosen, Chair, Legislative Committee.

P. 81

O. 83

P. 84

9. UNFINISHED BUSINESS: NONE.

10. INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: NONE.

11. MOTIONS AND MISCELLANEOUS BUSINESS:

- a. Inquiries and/or comments by the Mayor and Members of City Council.
- b. Vacancies on certain authorities, boards, commissions and committees appointed by Council.

12. RECESS.



**ROANOKE CITY COUNCIL
REGULAR SESSION**

**MARCH 16, 2015
7:00 P.M.**

CITY COUNCIL CHAMBER

AGENDA

Call to Order--Roll Call.

The Invocation will be delivered by Mayor David A. Bowers.

The Pledge of Allegiance to the Flag of the United States of America will be led by Mayor Bowers.

Welcome. Mayor Bowers.

NOTICE:

Tonight's Council meeting will be televised live and replayed on RVT Channel 3 on Thursday, March 19 at 7:00 p.m., and Saturday, March 21 at 4:00 p.m., and video streamed by Internet through Rev.Net Technologies, Inc., at <http://www.wrev.net>. Council Meetings are offered with closed captioning for the hearing impaired.

CERTIFICATION OF CLOSED MEETING.

A. PRESENTATIONS AND ACKNOWLEDGEMENTS:

Recognition of Afira Devries, the new President and CEO of the United Way of Roanoke Valley.

Recognition of Billy Weitzenfield, Executive Director of the Energy Conservation Professionals.

P. 93

B. PUBLIC HEARINGS:

1. Request of Alvin Woods that the alley located on the south side of Orange Avenue, N. E., between 11th and 12th Street, N. E., specifically adjoining Official Tax Map Nos. 3050402, 3050403, 3050405 and 3050406, be permanently vacated, discontinued and closed. Alvin Woods, Spokesperson. P. 94
O. 104
2. Request of Alvin and Bonita Woods that property located at 1113 11th Street, N. E., bearing Official Tax Map Nos. 3050407, three unaddressed lots on 11th Street, N. E., bearing Official Tax Map Nos. 3050402, 3050403, and 3050406; and an unaddressed lot on Orange Avenue, N. E., bearing Official Tax Map No. 3050405, be rezoned from CN, Commercial-Neighborhood District, to CG, Commercial-General District, with conditions. Michael Woolwine, Hughes Associates, Spokesperson. P. 108
O. 125
3. Request of PR Homes, LLC, that property located at 4414 Pheasant Ridge Road, S. W., bearing Official Tax Map Nos. 5460124; 4345 Griffith Road, S. W., bearing Official Tax Map No. 5470302 for under addressed lots on Griffith Road, S. W., bearing Official Tax Map Nos. 5470301, 5470303, 5470304, 5470305, and three unaddressed lots on Van Winkle Road, S. W., bearing Official Tax Map Nos. 5470306, 5470307, 5470308, be rezoned from Mixed Use Planned Unit Development Plan (MXPUD), pursuant to Ordinance No. 39610-031813 adopted by Roanoke City Council on Monday, March 18, 2013, to Institutional Plan Unit Development Plan (INPUD). Hunter Smith, Special Manager, Spokesperson. P. 127
O. 157
4. Receive citizen comments with regard to consideration of a request from Countryside Sportsplex, Inc., a Virginia non-stock, not for profit corporation, for tax exemption of real property located at 2002 Highland Farm Road, N. W., known as Official Tax Map No. 6472303. Christopher P. Morrill, City Manager. P. 159
O. 161

5. Proposal of the City of Roanoke to sell to Black Dog Properties, L.L.C., approximately one-half parcel of real property located at 1231 Midvale Avenue, S. W., designated as Official Tax Map No. 1221301, for business expansion purposes. Christopher P. Morrill, City Manager. P. 164
O. 180

C. OTHER BUSINESS:

1. (a) Petition for Appeal filed by Dr. Stephen Rosenoff and 202 Market Street, d/b/a Stefano's on the Market, appealing a decision of the Architectural Review Board denying his request to approve already installed 7'x 8' roll-down, fire retardant, enclosure material having clear vinyl openings, to the inside face of the two existing awnings on the west side of the building at 202 Market Street, S. E. John S. Edwards, Attorney. P. 182
- (b) A report of the Architectural Review Board recommending that City Council affirm its decision of December 19, 2014, to deny the request, which is not consistent with H-1 Guidelines. Derek B. Cundiff, Chairman. P. 185
A. 251

D. UNFINISHED BUSINESS:

1. (a) Petition for Appeal filed by Ricky Mitchell appealing a decision of the Architectural Review Board denying his request to amend a previously approved Certificate of Appropriateness to allow for installation of replacement windows at 436 Walnut Avenue, S. W. Ricky Mitchell, Spokesperson. **(MATTER WAS TABLED ON MONDAY, FEBRUARY 2, 2015 UNTIL MONDAY, FEBRUARY 17, 2015 AT 7:00 P.M.; AND DUE TO INCLEMENT WEATHER, THE MATTER WAS CONTINUED UNTIL MONDAY, MARCH 16, 2015 AT 7:00 P.M.)** P. 252
- (b) A report of the Architectural Review Board recommending that City Council affirm its decision to deny the request, which is not consistent with H-2 Guidelines. Derek B. Cundiff, Chairman, Spokesperson. P. 257
A. 261

E. HEARING OF CITIZENS UPON PUBLIC MATTERS:

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. ALL MATTERS WILL BE REFERRED TO THE CITY MANAGER FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL, AS HE MAY DEEM APPROPRIATE.

F. ADJOURNMENT.



DAVID A. BOWERS
Mayor

**CITY OF ROANOKE
OFFICE OF THE MAYOR**

215 CHURCH AVENUE, S.W., SUITE 452
ROANOKE, VIRGINIA 24011-1594
TELEPHONE: (540) 853-2444
FAX: (540) 853-1145

March 16, 2015

The Honorable Vice-Mayor David B. Trinkle and Members
of the Roanoke City Council
Roanoke, Virginia

Dear Vice-Mayor Trinkle and Members of Council:

This is to request a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended. A list of current vacancies is included with the agenda for this meeting.

Sincerely,

A handwritten signature in dark ink, appearing to read "D. A. Bowers", is written over a circular stamp that partially overlaps the signature.

David A. Bowers
Mayor

DAB:smr

VACANCY LIST

COMMITTEE VACANCIES

MARCH 16, 2015

Vacancy created by the expiration of the three-year term of office of Gail Kinzer Lewis as a member of the Fair Housing Board ending March 31, 2015.

Vacancy created by the expiration of the four-year term of office of Warner N. Dalhouse as a member of the Architectural Review Board ended October 1, 2014.

Unexpired term of office of Steven Trompeter as a member of the Board of Zoning Appeals ending December 31, 2015.

Appointment of two At-large Citizens to serve on the Roanoke Cultural Endowment Board of Directors, one of which will serve initially a two year term; and the second of which will serve initially a three year term, with their successors to be appointed for the three year terms.

Expiration of the three-year terms of office of Mae G. Huff, Todd A. Putney, and Richard M. Willis, Jr., as Trustees of the Roanoke City School Board ending June 30, 2015. Trustees Huff and Putney are not eligible for reappointments. Deadline for receipt of applications on Monday, March 16, 2015 at 5:00 p.m., in the City Clerk's Office.



CITY COUNCIL AGENDA REPORT

To: Honorable Mayor and Members of City Council
Meeting: March 16, 2015
Subject: Request for Closed Meeting

This is to request that City Council convene a closed meeting to discuss or consider the acquisition of real property where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to §2.2-3711.A.3, Code of Virginia (1950), as amended.

A handwritten signature in dark ink, appearing to read "C. Morrill", is written over a horizontal dashed line.

Christopher P. Morrill
City Manager

Distribution: Council Appointed Officers



STEPHANIE M. MOON REYNOLDS, MMC
City Clerk

**CITY OF ROANOKE
OFFICE OF THE CITY CLERK**

215 Church Avenue, S. W., Suite 456

Roanoke, Virginia 24011-1536

Telephone: (540) 853-2541

Fax: (540) 853-1145

E-mail: clerk@roanokeva.gov

JONATHAN E. CRAFT, CMC
Deputy City Clerk

CECELIA T. WEBB, CMC
Assistant Deputy City Clerk

March 16, 2015

The Honorable Mayor David A. Bowers and Members
of the Roanoke City Council
Roanoke, Virginia

Dear Mayor Bowers and Members of Council:

This is to advise that a vacancy currently exists on the Blue Ridge Behavioral Healthcare Board of Directors due to the relocation of residence out the City by the Reverend Erin Hensley, who was recently appointed to fill the unexpired term of Max E. Davis ending December 31, 2016.

Sincerely,

A handwritten signature in black ink that reads "Stephanie M. Moon Reynolds". The signature is written in a cursive, flowing style.

Stephanie M. Moon Reynolds, MMC
City Clerk



C-4

CITY OF ROANOKE
OFFICE OF THE CITY ATTORNEY
464 MUNICIPAL BUILDING
215 CHURCH AVENUE, SW
ROANOKE, VIRGINIA 24011-1595

Daniel J. Callaghan
City Attorney

TELEPHONE 540-853-2431
FAX 540-853-1221
EMAIL: cityatty@roanokeva.gov

Timothy R. Spencer
Steven J. Talevi
David L. Collins
Heather P. Ferguson
Laura M. Carini
Assistant City Attorneys

March 16, 2015

The Honorable Mayor and Members
of City Council
Roanoke, Virginia

Re: Request to Adopt a ban on Circus performances that include animals

Dear Mayor Bowers and Members of Council:

BACKGROUND

River Laker contacted certain Council Members, the City Manager, and others in City administration and requested that the City consider the adoption of an ordinance that would prohibit circuses that included animal performances from operating within the City. Mr. Laker expressed concerns for the treatment and well-being of the animals. Mr. Laker provided materials and other information supporting his request. Presently, two circus operators offer performances at The Berglund Center.

DISCUSSION

The City Charter currently authorizes the City to adopt measures regarding animals within the City. See Section 2(16), City Charter (1952), as amended. Based upon this authorization, City Council has adopted several ordinances that address animals within the City. For example, Chapter 6, Code of the City of Roanoke (1979), as amended, establishes several regulations regarding the possession, use, and treatment of animals. In addition, City Code requires operators of circuses to obtain business licenses (Section 19-11), and collect admission taxes (Section 32-216). Circus performances are also permitted to be held at The Berglund Center (Section 24-26).

State Code also imposes certain regulations regarding the use of animals within the Commonwealth. The General Assembly has enacted limited regulations regarding the exhibition of wild animals in Virginia. See Sections 29.1-412 and 29.1-417, Code of Virginia (1950), as amended. A copy of the application form required by the Virginia Department of Game and Inland Fisheries pursuant to these state code provisions is attached.

Virginia, as a Dillon's Rule state, limits the authority of localities to adopt ordinances to those areas expressly authorized by the General Assembly, those areas necessarily or fairly implied or inferred from the express authorization, and those areas essential to the declared objects of the locality. A strict application of Dillon's Rule suggests that, in the absence of specific authorization to prohibit circus operations that include animal performances, localities have no authority to act. Arguably, the limited regulations adopted by the General Assembly may not preempt the ability of the City to impose restrictions or prohibit circus performances within the City, several factors warrant a cautious approach.

First, no locality within the Commonwealth currently bans circus performances within the locality. Some localities impose restrictions and limitations on the conditions under which such performances can be presented. As an example, Fairfax County and Spotsylvania County prohibit contact between people and exotic animals in exhibitions.

Second, a regulation directed at animal performances may produce some unintended ramifications. For example, a prohibition of animal performances may affect dog shows, horse shows, and other animal exhibitions and shows. A ban limited solely to wild and exotic animals might affect zoos and nature preserves as well as circuses. An ordinance limited only to circus performances may be subject to challenges that the ordinance denies operators equal protection of the law.

Issues involving the merits and morality of animal performances are continually discussed and debated throughout the United States. Recent media reports note that more local governments are considering actions regarding circuses. More notably, circus operators are reconsidering these business models and, at least one major circus promoter, is taking voluntary actions to alter its use of animals in their performances.

RECOMMENDATION

City Council take no action to ban circus performances involving wild and exotic animals at this time. The City can, and should, monitor these performances to ensure that all such animals are treated humanely. Citizens who desire to prohibit circus performances that include wild and exotic animals can petition the General Assembly for legislation that would impose such restrictions throughout the Commonwealth.

Respectfully submitted,



Daniel J. Callaghan
City Attorney

DJC/lsc
Enclosure

c: Council Appointed Officers
Sherman A. Holland, Commissioner of the Revenue
Evelyn Powers, City Treasurer
R. Brian Townsend, Assistant City Manager for Community Development
Sherman Stovall, Assistant City Manager for Operations

VIRGINIA DEPARTMENT OF GAME AND INLAND FISHERIES
APPLICATION TO EXHIBIT WILD ANIMALS IN VIRGINIA
(Under Authority of § 29.1-412, § 29.1-417 of the Code of Virginia, 4 VAC 15-290-60, 4 VAC 15-30-40)

PERMIT: (Check One) ☐ NEW ☐ RENEWAL PREVIOUS VDGIF PERMIT # _____

☐ Mr. ☐ Mrs. ☐ Ms. ☐ Miss.

Name of Applicant: _____ Email Address: _____

Address: _____

City _____ State _____ Zip _____ County _____ Phone # _____

Business Name: _____

Address: _____

City _____ State _____ Zip _____ County _____ Phone # _____

TYPE OF OPERATION OR SPONSORSHIP AND NON-REFUNDABLE APPLICATION FEE (Check One):

- ☐ Accredited Educational Institution (\$20) ☐ Political Subdivision (\$20) ☐ Agency of the State (\$20)
☐ Public Authority (\$20) ☐ Rehabilitator (\$20) ☐ Business/Corporation (\$50) ☐ Falconer (\$20)

Name and location of facility (if different from above) where animal(s) will be held or exhibited:
(Temporary Exhibitors MUST list all dates and locations of exhibits to be held in Virginia: additional pages may be added as needed.)

_____ County _____

_____ County _____

• Applicants must attach a list of species (include scientific and common names and number of each) that the applicant wishes to be permitted to exhibit to this application. Only animals defined as domestic in Title 29.1 of the Code of Virginia do not need to be listed, all others must be listed. If an exhibitor wishes to add any additional species to their permit during the year, they must notify VDGIF's Permitting Section at (804) 367-9588, and we will consider each animal individually for approval. The Department must also be notified of changes in number of exhibited individuals of a given species. (No additional fee will be charged for any updates.)

• The Applicant must be licensed by the U. S. Department of Agriculture under the Federal Animal Welfare Act, if exhibiting warm-blooded mammals. A copy of the license must be included with the application.

• To exhibit migratory birds, attach copy of U. S. Fish and Wildlife Service permit and for threatened or endangered species, attach copies of Federal permit(s).

• Applicants must submit information proving their exhibit to be educational and purposeful in nature, and they must indicate what interpretive information and educational brochures are available. **Programs must involve the public.** If an exhibit is temporary in nature, the applicant must describe how the animals are to be displayed or caged.

Have you been convicted of violating any federal or state wildlife laws or wildlife-related regulations within the past 5 years?

Yes _____ No _____ If "yes", year and nature of offense _____

Applicant Signature: _____ Date: _____

By my signature above, I hereby certify that all entries made on this application are true and complete, and I agree and understand that any falsification of information herein, regardless of time of discovery, may result in denial or revocation of my permit.

TYPED SIGNATURE IS AUTHORIZED AND BINDING PER CODE OF VIRGINIA §1-13.32 AND §2.1-7.4

Make check for non-refundable application fee payable to: **Treasurer of Virginia** and return to:
Permits Section, VDGIF, P. O. Box 11104, Richmond, Virginia 23230-1104

THIS PERMIT EXPIRES OCTOBER 31st

DO NOT WRITE BELOW THIS LINE

AGENCY USE ONLY

Date:	/ /
Payment Type:	<input type="checkbox"/> VISA <input type="checkbox"/> MasterCard <input type="checkbox"/> Personal Check _____ <input type="checkbox"/> Business Check _____ <input type="checkbox"/> Money Order _____
Payment Amount:	\$ _____
Comments:	_____
Payment Rcvd By:	_____



Virginia Department of Game and Inland Fisheries Credit Card Authorization Form

Credit Card Type:

☐☐

Name Shown on Credit Card: _____

Credit Card Number: _____

Expiration Date: _____ / _____
(mm) (yy)

I authorized the Virginia Department of Game and Inland Fisheries to charge my credit card for the products/services indicated on the enclosed form, in the amount of \$ _____

Signature: _____

Date: _____

ATTACHMENT A

GENERAL CONDITIONS OF EXHIBITOR PERMIT

1. This permit will be required of any wild animal exhibit (permanent or temporary) serving an educational purpose rather than serving merely as an attraction or amusement, and must be operated or sponsored by one of the following:
 - a. An accredited educational institution.
 - b. A business or corporation providing educational exhibits as part of its operation, and charges a fee for their services.
 - c. An agency of the State.
 - d. A political subdivision of the State.
 - e. A public authority duly created by law, or by a political subdivision of the State.
 - f. Rehabilitators
 - g. FalconersExhibits conducted under the auspices of this permit must be educational and purposeful in nature.
2. Permanent exhibit areas must contain interpretive information designed to inform visitors about the animals on display.
3. Permanent exhibits must be open to the public. A private menagerie is not considered an educational exhibit.
4. Animals must be confined under sanitary and humane conditions with no animal continuously restrained by a chain, rope, or other similar device.
5. All exhibits and facilities must be open to inspection by Department representatives, at all times.
6. Permits to hold, in captivity, species subject to the Endangered Species Act (Code of Virginia, §29.1-564) will be considered only if the applicant is able to show, affirmatively, that the application, and the transportation and possession, of such animals has not been in violation of federal laws, or of laws of this, or any other state.
7. Individuals wanting to display rehabilitated non-releasable wildlife for educational purposes must include a description of the nature of the injury/illness that makes each animal non-releasable. Animals with visible deformities will not be exhibited.
8. Under authority of Sections §29.1 - 103 and §29.1 - 521 of the Code of Virginia, it shall be unlawful to take, possess, import, cause to be imported, buy, sell, offer for sale or liberate within the Commonwealth any wild animal unless otherwise specifically permitted by law or regulation. Permittees shall not receive, transfer, move or relocate any member of the Cervidae family into or within Virginia, except when specifically allowed by the Director of the Department of Game and Inland Fisheries under supplemental conditions available from the Department. Any facility possessing cervids under this permit is prohibited from accepting cervids for rehabilitation or for any other purpose unless otherwise provided for by an exception from the Director.
9. Under authority of Section 29.1-545 of the Code of Virginia, it shall be unlawful for any person, firm, association or corporation to possess, sell, offer for sale, or liberate in the Commonwealth any live fur-bearing animal commonly referred to as nutria.

10. It shall be unlawful for any person, or persons, to display, exhibit, handle or use any poisonous or dangerous snake or reptile in such a manner as to endanger the life or health of any person under authority of Section 18.2-313 of the Code of Virginia.
11. It shall be unlawful for the owner or keeper of any exotic reptile or type of reptile not native to the Commonwealth of Virginia, including but not limited to the American alligator, to keep the reptile in any manner that will permit its escape or to knowingly permit the reptile to run at large under authority of Section 29.1-569 of the Code of Virginia.
12. All exhibitors operating temporary exhibits must submit information on how their animals are displayed or caged at an event. All animals must be exhibited in a manner determined by the Department to prevent the opportunity for animal or public injuries.
13. Individuals operating a temporary exhibit must additionally include an outline of the educational program (include a brochure, if applicable).
14. Temporary exhibitors that have not notified the Department of all permit year exhibition dates and locations on the application, must notify the Permit Section of the Department of any additional events at least seven days prior to the event.
15. During the year, if an exhibitor wishes to add any additional animals to the list of species shown on their permit, they must notify the Department's Permitting Section at (804) 367-9588, and we will consider each animal individually for approval. (No additional fee will be charged.)
16. An annual report containing the disposition of the animals, the number of exhibits or programs held during the year, and the approximate number of people reached will be submitted to the Department by November 1st each year. Failure to submit the Annual Report will preclude the Department from renewing the permit.
17. This permit does not absolve the permittee of any responsibilities or conditions of any other federal, state, or local laws and regulations, including those that apply to threatened/endangered species.
18. The permittee(s) shall maintain adequate liability insurance to cover all damages, losses, or claims arising from the possession, exhibition, or escapement in the Commonwealth of Virginia of the species authorized by this permit. The permittee(s) hereby agrees to indemnify and hold harmless the Commonwealth of Virginia and the Department of Game and Inland Fisheries for all damages, losses, or claims arising out of the possession, exhibition, or escapement in the Commonwealth of Virginia of the species authorized by this permit. The permittee(s) shall cooperate with the Commonwealth and the Department in defense of any claim hereunder, and permittee(s) shall pay all consequential and incidental expenses of the Commonwealth and the Department, including but not limited to reasonable attorney fees.
19. Should the permitted species escape, the permittee(s) must immediately notify the Department and is responsible for all expenses incurred for their recovery. Members of the Cervidae family which escape from confinement may be destroyed by the VDGIF without indemnity, after the VDGIF contacts the owner. In any case, escaped free-ranging Cervids will be destroyed after a period of 30-days following escape.
20. In the event of the escape of any permitted species this permit may be revoked without further action by the Department. Such revocation on this basis shall not relieve the permittee(s) of any other responsibility

and/or liability required herein.

21. The permittee shall notify the Department of all deaths to members of the Cervidae family (except deer less than 6 months of age) within 48 hours. Carcasses (except those deer less than 6 months of age) must be transported by the permittee to a Virginia Department of Agriculture and Consumer Services veterinary diagnostic laboratory, or the head and neck of the carcass must be given to designated Department personnel, within 48 hours for disease testing.
22. The permittee shall immediately notify the Department if any member of the Cervidae family demonstrates some combination of clinical neurological signs consistent with Chronic Wasting Disease (e.g., abnormal behavior, increased salivation, tremors, stumbling, lack of coordination, difficulty swallowing, excessive thirst, excessive urination). The permittee is encouraged to euthanize and submit such an animal for disease testing. The Department's wildlife veterinarian will consult with the permittee's veterinarian regarding appropriate actions to be taken.
23. The permittee must immediately notify the Department if wild deer enter any enclosures holding cervids. If the wild deer cannot be freed within 24 hours, the Department will assist in its removal.
24. All Cervids will be individually identified with ear tags provided by the VDGIF. Exhibitors will be required to comply with Cervid marking requirements within 90 days of receipt of ear tags. Cervid young must be identified as prescribed above within 7 days following birth. Permittees requiring ear tags for deer born on site must request additional tags from the Department.
25. Records on the inventory of all Cervid stock must be maintained on forms provided by the Department and such records shall be retained for at least two years. Records will be open to inspection by authorized department personnel at any reasonable time.
26. A separate Virginia Endangered and Threatened Species Permit is not required if you have a valid permit to exhibit the species in Virginia.
27. A Permit To Exhibit Wild Animals In Virginia is not required for an authorized falconer or raptor propagator to exhibit a bird held under his/her valid falconry or raptor propagation permit(s) for noncommercial, conservation education purposes, except eagles.
28. Regulation 4 VAC 15-30-7 states that provided that the issuance of a permit renewal has been delayed past the expiration date of the permittee's previous permit at no fault of the applicant, the permittee may continue the specific activities authorized by the expired permit until the Department has acted on such person's application for renewal. To qualify for this allowance, applicants must submit a completed renewal application to the Department at least 30 days prior to the expiration date of the permit. The Department may deny renewal of a permit to any applicant who fails to meet the issuance criteria set forth by the Department. Renewal applications will be mailed approximately two months in advance of the permit's expiration date.

Compliance/Violation/Revocation

Regulation 4 VAC 15-290-130 states that a permit holder shall comply with all terms and conditions of any permit issued by the Department of Game and Inland Fisheries pursuant to Title 29.1 of the Code of Virginia and the regulations of the board pertaining to hunting, fishing, trapping, attempting to take, possession, sale, offering for sale, transporting or causing to be transported, importing or exporting, propagating, exhibiting, and

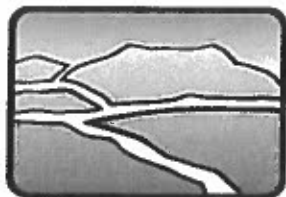
rehabilitating of any wild bird, wild animal or fish. The penalty for violation of this section is a Class 3 misdemeanor unless another penalty is specified. Further, any violation of state or federal wildlife laws related to the permitted activities by the permittee, his/her agents or employees, or guests will constitute a violation of the conditions of the permit.

As provided by 4 VAC 15-30-5, failure to comply with the provisions of a permit may result in the revocation or suspension of the permit for a period up to but not to exceed five (5) years. Any person whose permit is revoked, or suspended may appeal that decision in writing, to the Director, Department of Game and Inland Fisheries, 4010 W. Broad Street, Richmond, VA 23230.

SUPPLEMENTAL EXHIBITOR PERMIT CONDITIONS FOR DANGEROUS REPTILES AND AMPHIBIANS

Caging requirements and safety measures:

1. A safety barrier (perimeter fence, secondary fence) shall be present to adequately prevent wildlife from touching, grasping, or biting visitors. These barriers shall be present to prevent the public from approaching the cages, pens, enclosures or areas near enough to contact the cage that the wildlife is in. Under no circumstances should the public ever be allowed to come inside this safety barrier. A minimum of 4' feet from the cage holding the animal to the safety barrier shall be maintained at all times.
2. All cages and enclosures shall be secured at all times in such a manner as to prevent animals from escaping or the public from entering. The public may at no time come into contact with the animals.
3. Animals on display shall be contained within an escape-proof area or enclosure at all times when not under the immediate control or direct supervision of the handler.
4. All cage entrances must remain locked at all times when unattended with chains and locks of sufficient strength to prevent entrance to the facility by unauthorized individuals and to prevent the animal from breaking open the door if highly excited.



Blue Ridge Behavioral Healthcare

CITY CLERK H22 MAR 09 PM 11:23

Donna Henderson Chair

Linda Franke Vice Chair

Paula Prince Treasurer

Linda Manns Secretary

Executive Director

Debbie Bonniwell

February 24, 2015

Mr. Christopher P. Morrill
City Manager
City of Roanoke
215 Church Ave, SW, Room 364
Roanoke, VA 24011

Dear Mr. Morrill:

The Blue Ridge Behavioral Healthcare Board of Directors nominated Mr. Gregory Hamilton as an at-large board member at the February 12, 2015 board meeting. Mr. Hamilton has taken the vacant at-large board appointment that was previously held by Mr. Dan Karnes. This Board nominates our at-large board representatives, and asks the participating governing bodies to approve those appointments.

At our February 12, 2015 Board meeting, the Board unanimously endorsed Mr. Hamilton to serve as an at-large member for which he is eligible according to Title 37.2 - 502 of the Code of Virginia. We respectfully request that the Roanoke City Council approve the appointment of Mr. Hamilton for his first term, from February 12, 2015 through December 31, 2015.

This request is being sent concurrently to administrators in each of our other four local governing bodies for their approval of at-large members as called for in our By-laws. If I can be of assistance in this process or if you have any questions that I may be helpful with, please do not hesitate to contact me at 540-345-9841 at your convenience.

Sincerely,

Debbie Bonniwell, MBA, MSSW, LCSW
Executive Director

C: The Honorable David A. Bowers, Mayor
Ms. Donna Henderson, Chair, Blue Ridge Behavioral Healthcare Board of Directors
Mr. Gregory Hamilton
Ms. Stephanie M. Moon, MMC, City Clerk



Agenda

- Budgeting for Outcomes Update
- Revenue Adjustments
- Balancing

BFO Process Update

- Where We Are Now
 - Priority Teams made final funding recommendations to Budget Committee
 - Revenue updates
 - Budget Committee made further expenditure adjustments and developed balancing options

3

Revenue Adjustments Since March 2nd

	FY15 Adopted	FY16 Estimate as of 3/2/15	\$ Growth/ (Decline) from 3/2/15 Estimate	FY16 Estimate as of 3/16/15	\$ Growth/ (Decline) from FY15 Adopted Budget
General Property Tax	\$106,079,000	\$ 107,601,000	\$ 226,000	\$ 107,827,000	1,748,000
Other Local Taxes	73,803,000	75,754,000	-	75,754,000	1,951,000
Permits Fees and Licenses	1,136,000	1,195,000	-	1,195,000	59,000
Fines and Forfeitures	1,276,000	1,259,000	-	1,259,000	(17,000)
Revenue from Use of Money/Property	185,000	161,000	-	161,000	(24,000)
Health and Welfare Funding from Commonwealth	27,910,000	29,070,000	-	29,070,000	1,160,000
Other Funding from Federal and State	38,726,000	40,008,000	-	40,008,000	1,280,000
Charges for Services	8,141,000	8,281,000	158,000	8,419,000	278,000
Internal Services	2,285,000	2,520,000	-	2,520,000	235,000
Other Revenues	604,000	649,000	-	649,000	45,000
Total General Fund Revenues	\$260,147,000	\$ 266,478,000	\$ 384,000	\$ 266,862,000	\$ 6,715,000

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Initiatives for Service Sustainability

RCPS	1,510,000
Human Services - CSA (30% local share), Adoption(100% state funded), Youth Haven (100% local share), Family Services Specialist (21% local share)	1,447,365
Public Safety	
Body Camera Management	35,926
Fire/EMS Peak Unit	129,180
Library Hours, Books and Materials, Youth Services	116,285
Convention and Visitors Bureau (by formula)	144,750
Capital Adjustments	
Fleet Replacement	1,057,887
Technology Capital	500,000
Capital Building Maintenance	400,000
Transportation	
Sidewalk Repair and Maintenance	150,000
Street Paving	651,000
Snow Removal	100,000
Competitive Pay and Benefits	
Salary Increase	3,381,713
Market Competitiveness	207,878
Public Safety Adjustments	504,853

March 16 Reconciliation

February 2 nd Variance		(\$9,997,154)
Adjustments		
	Expenditure	(2,945,254)
	Revenue Estimate	1,657,000
March 2 nd Variance		(\$5,394,900)
Adjustments		
	Expenditure	(740,038)
	Revenue Estimate	384,000
March 16 th Variance		(\$4,270,862)

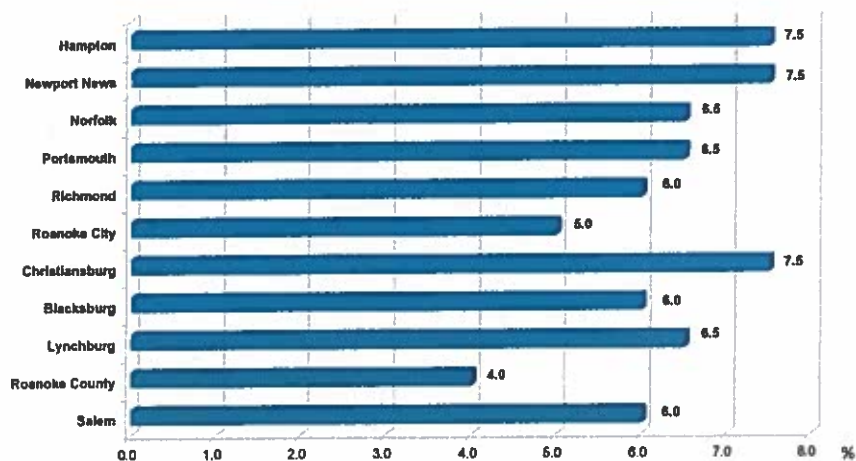
Balancing Scenarios

	Meals Tax Rate	Motor Vehicle License Tax	Real Estate Rate	Gross Revenue	RCPs 40%	Net Revenue	Variance
#1	+2% \$5,528,000	+\$13 \$1,326,000	+\$0.02 \$1,300,000	\$8,154,000	\$3,261,600	\$4,892,400	\$621,538
#2	+2% \$5,528,000	+\$5 \$510,000	+\$0.02 \$1,300,000	\$7,338,000	\$2,935,200	\$4,402,800	\$131,938
#3	+1 1/2% \$4,221,000	+\$13 \$1,326,000	+\$0.02 \$1,300,000	\$6,847,000	\$2,738,800	\$4,108,200	(\$162,662)

Gross revenue target = \$7.12 million

7

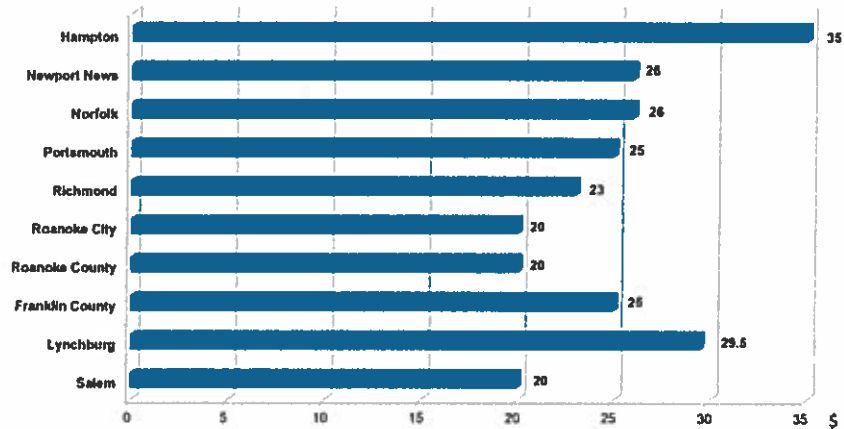
Meals Tax Neighbors and VA First Cities



Source: Weldon Cooper Center for Public Service 2013 Tax Rates

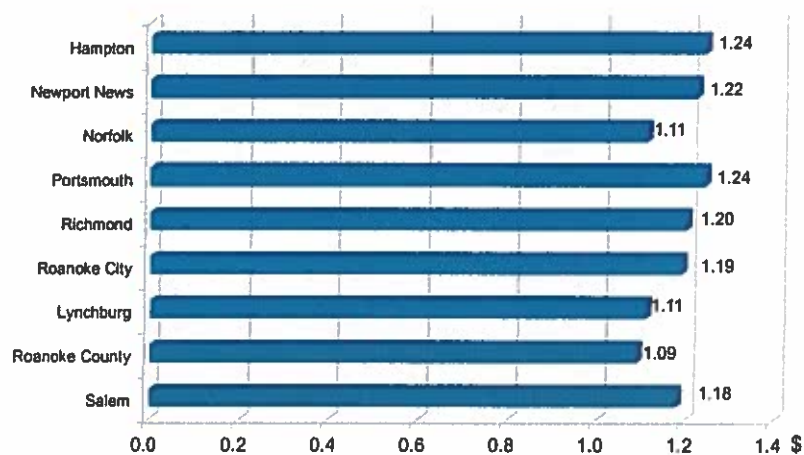
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Motor Vehicle License Tax Neighbors and VA First Cities



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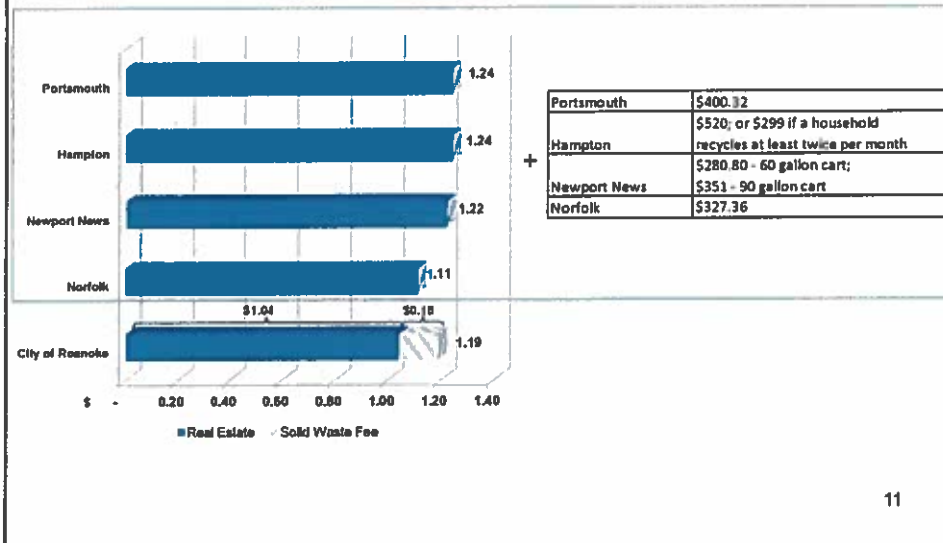
Real Property Tax Neighbors and VA First Cities



Tax Rate per \$100 of assessed value,
Source: Weldon Cooper Center for Public Service 2013 Tax Rates

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Real Property Tax Rate Comparison



Median Value Single Family Home



R/E Tax paid on Median Value Single Family Home



Council Discussion:

FY 2016-2020 Balancing

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**Operating and
Capital Budget Development
Next Steps**

- Legal Advertisement for Real Estate rate – March 24, 2015
- Council Briefing – April 6, 2015
- Recommended Budget Presentation – April 20, 2015
- Public Hearing – April 23, 2015
- Council Briefing/Budget Study – May 4, 2015
- Budget Adoption – May 11, 2015

14



7.a.1.

CITY COUNCIL AGENDA REPORT

To: Honorable Mayor and Members of City Council
Meeting: March 16, 2015
Subject: Roanoke Homeless Assistance Team (HAT) Grant Renewal

Background:

The Blue Ridge Continuum of Care (CoC) continues to take practical steps that would have an immediate impact on the lives of the homeless in our community. The Advisory Council on Homelessness and the CoC constantly look for funding sources to address the needs of these individuals and families.

The street outreach program goals are to assist homeless persons in their transition from streets and emergency shelters to transitional and permanent housing. HAT staff maintain office hours from 8:00 a.m. until noon after which time street outreach is conducted in shelters and other places not designed for human habitation. Through contacts and engagements, staff provide limited case management services including agency referrals, security deposits, food, transportation, and prescription assistance. Last year, the program assisted 1,881 clients.

Based on Roanoke's 2014 Continuum of Care application, the Roanoke HAT was awarded a supportive services only grant from the U. S. Department of Housing and Urban Development (HUD) totaling \$140,422 for a one year period beginning February 1, 2015. A local cash match of \$45,320 is required for a total program budget of \$185,742.

Recommended Action:

Accept the HUD grant award described above and authorize the City Manager to take such actions and execute such documents as may be necessary to obtain, accept, implement, administer, and use such grant funds, including execution of any required grant agreement, such documents to be in a form approved by the City Attorney.

Adopt the accompanying budget ordinance to establish revenue estimates in the amount of \$140,422 for Federal grant funds and \$45,320 for local match funds. Transfer funding in the amount of \$45,320 from the Transfer to Grant Fund (01-250-9310-9535), and appropriate funding in the amount of \$185,742 to accounts to be established in the Grant Fund (as outlined in Attachment A) by the Director of Finance.

Christopher P. Morrill
City Manager

Distribution: Council Appointed Officers

R. Brian Townsend, Assistant City Manager for Community Development
Jane R. Conlin, Director, Human/Social Services

Attachment "A"

2015 Homeless Assistance Team (HAT)
Budget

Regular Employee Salary	95,323
Temporary Employee Wages	13,725
City Retirement	19,737
Health Savings	953
FICA	8,415
Medical Insurance	17,244
Dental Insurance	1,046
Life Insurance	1,146
Disability Insurance	323
Telephone	1,750
Telephone-Cellular	1,000
Administrative Supplies	1,750
Expendable Equipment <\$5000	500
Motor Fuel Billed Through Fleet	2,500
Program Activities	19,030
Postage	300
Fleet Mgt Vehicle Repair	1,000
Total	185,742

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

A RESOLUTION authorizing acceptance of a grant by the U. S. Department of Housing and Urban Development to the City of Roanoke Homeless Assistance Team, and authorizing execution of any required documentation on behalf of the City.

BE IT RESOLVED by the Council of the City of Roanoke that:

1. The supportive services grant from the U.S. Department of Housing and Urban Development to the City of Roanoke Homeless Assistance Team in the amount of \$140,422, with a local cash match of \$45,320 from the City, for a total program budget of \$185,742, for a one year period beginning February 1, 2015, as more particularly set forth in the City Council Agenda Report dated March 16, 2015, is hereby ACCEPTED.
2. The City Manager is hereby authorized to execute and file, on behalf of the City, the grant agreement and all necessary documents required to accept such grant. All documents shall be upon form approved by the City Attorney.
3. The City Manager is further directed to furnish such additional information as may be required in connection with the City's acceptance of this grant.

ATTEST:

City Clerk.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to appropriate funding from the United States Department of Housing and Urban Development for the Homeless Assistance Team Grant, amending and reordaining certain sections of the 2014-2015 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that the following sections of the 2014-2015 Grant Fund Appropriations be, and the same are hereby, amended and reordained to read and provide as follows:

Appropriations

Regular Employee Salary	35-630-5359-1002	\$ 95,323
Temporary Employee Wages	35-630-5359-1004	13,725
City Retirement	35-630-5359-1105	19,737
Health Savings	35-630-5359-1117	953
FICA	35-630-5359-1120	8,415
Medical Insurance	35-630-5359-1125	17,244
Dental Insurance	35-630-5359-1126	1,046
Life Insurance	35-630-5359-1130	1,146
Disability Insurance	35-630-5359-1131	323
Telephone	35-630-5359-2020	1,750
Telephone-Cellular	35-630-5359-2021	1,000
Administrative Supplies	35-630-5359-2030	1,750
Expendable Equipment <\$5000	35-630-5359-2035	500
Motor Fuel Billed Through Fleet	35-630-5359-2039	2,500
Program Activities	35-630-5359-2066	19,030
Postage	35-630-5359-2160	300
Fleet Management Vehicle Repair	35-630-5359-7026	1,000

Revenues

Homeless Assistance Team FY15	35-630-5359-5359	140,422
Homeless Assistance Team FY15 - Local	35-630-5359-5360	45,320

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



CITY COUNCIL AGENDA REPORT

To: Honorable Mayor and Members of City Council
Meeting: March 16, 2015
Subject: BRITE ("Beautify Roanoke Interchanges Through Enhancement")
Sponsorship funding from Member One Federal Credit Union

Background:

The Virginia Department of Transportation (VDOT) established comprehensive roadside management regulations in 2005 that allow local governments, communities, businesses, and individuals to participate in the improvement and management of state-maintained roadsides.

Modeled after VDOT's program, the City of Roanoke initiated its BRITE Program to encourage participation by area businesses and organizations. The BRITE program focuses on the I-581/Route 220 corridor and other high-profile locations. The program is jointly administered by Economic Development and the Transportation Division of Public Works. BRITE participants to date include:

- Lamar Advertising (I-581/Orange Avenue interchange)
- Oakey's Funeral Home (Hershberger Road/Valley View Boulevard interchange)
- Hometown Bank (U.S. Route 220/Franklin Road interchange)
- Branch Management/Piggly Wiggly (Riverland Road Roundabout)

Considerations:

Recently, Member One Federal Credit Union approached the City to express interest in enhancing the southeast quadrant of the Route I-581/Williamson Road interchange. In addition to the landscaping, Member One is specifically interested in adding an educational component regarding the environmental impact of stormwater run-off. Therefore, the Stormwater Division joined the project to facilitate adding a raingarden demonstration project to both mitigate run-off and improve water quality. Member One and the City of Roanoke will use this project to educate the community on the benefits of mitigation strategies, such as rain gardens, to improve drainage and water quality. Member One's donation of \$20,000 will be used for both the landscaping and the raingarden at this location and further enhance this gateway into the City.

This donation must be accepted by Council and appropriated into a project account for expenditure. Further, since the interchange of Route I-581 and Williamson Road is within VDOT right of way, an appropriate agreement will need to be executed between the City and VDOT to permit this enhancement.

Recommended Action:

Accept the donation from Member One Federal Credit Union and authorize the City Manager to execute such documents as may be necessary to complete this process, such documents to be approved as to form by the City Attorney. Adopt the accompanying budget ordinance to establish a revenue estimate in the amount of \$20,000, and appropriate the same amount into a project account to be established by the Director of Finance.



Christopher P. Morrill
City Manager

Distribution: Council Appointed Officers

559
3/16/15

7.a.2.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

A RESOLUTION accepting a donation of funds from Member One Credit Union to the City as part of the Beautify Roanoke Interchanges Through Enhancement (BRITE) Program to assist with the maintenance of the landscaping in the southeast quadrant of the interchange of I-581 and Williamson Road; authorizing the City Manager to execute any necessary documents, provide any additional information, and to take any necessary actions in order to obtain, accept, receive, implement, use, and administer such donation; and expressing the City's appreciation for such donation.

BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. The City of Roanoke hereby accepts the donation from Member One Credit Union of \$20,000 to the City, as more particularly set forth in City Manager's Agenda Report dated March 16, 2015, to this Council.
2. The City Manager is further authorized to execute any necessary documents, as approved as to form by the City Attorney, provide any additional information, and to take any necessary actions in order to obtain, accept, receive, implement, use, and administer such donation.
3. This Council wishes to express its appreciation and that of the citizens of the City of Roanoke to Member One Credit Union for its generous donation as part of the BRITE program to assist the City with the maintenance of the landscaping as described above.
4. The City Clerk is directed to transmit a copy of this Resolution to Member One Credit Union expressing the City's appreciation for its donation.

ATTEST:

City Clerk.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to appropriate funding from Member One Federal Credit Union to the BRITE 581/Williamson Road Landscape project, amending and reordaining certain sections of the 2014-2015 Capital Projects Fund Appropriations and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that the following sections of the 2014-2015 Capital Projects Fund Appropriations be, and the same are hereby, amended and reordained to read and provide as follows:

Appropriations			
Appropriated from Third Party	08-530-9583-9004	\$	20,000
Revenues			
BRITE 581/Williamson – Member One	08-530-9583-9583		20,000

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



CITY COUNCIL AGENDA REPORT

To: Honorable Mayor and Members of City Council
Meeting: March 16, 2015
Subject: Amendments to Chapter 6, Animals and Fowl, of the Code of the City of Roanoke, Virginia (1979), as amended

Background:

The duties and powers of Animal Wardens are established by Article I, Chapter 6, Animals and Fowl, of the Code of the City of Roanoke, Virginia (1979), as amended.

The Roanoke Police Department began its current reorganization in January 2014 to provide better customer service, increase accountability, and encourage a compassionate climate of diversity. The proposed amendments to this Chapter including section 6-2 to clarify the status of Animal Wardens as civilian employees and to confirm that Animal Wardens shall have the same meaning and authority as an animal control officer as defined in Virginia Code §3.2-6500, as amended.

The proposed amendment to section 6-27(b) increases the exemption age of dogs kept on residential property from four months (4) to six months (6) to be consistent with the City's Zoning Ordinance.

Considerations:

The minor changes to Article I, Chapter 6, Animals and Fowl, of the Code of the City of Roanoke, Virginia (1979), as amended are necessary to consistently define the position of Animal Warden and to ensure that Animal Wardens have the same authority as an animal control officer in enforcing state animal control laws.

The increased exemption age of dogs kept on residential property will allow residents who own and raise litters of puppies to comply with best practices involving the adoption of puppies at a minimum age and for this code section to be consistent with the City's Zoning Ordinance.

Recommended Action:

Adopt the proposed amendment to Chapter 6, Animals and Fowl, of the Code of the City of Roanoke, Virginia (1979), as amended, by amending 6-6, 6-22, 6-25, 6-26, 6-50, 6-50.1, 6-51, 6-62, 6-82, 6-117, 6-119 to refer to Animal Warden instead of Animal Control Officer.

Adopt the proposed amendment to Chapter 6, Animals and Fowl, of the Code of the City of Roanoke, Virginia (1979), as amended, Sec. 6-2 Designation and General Duties of Animal Wardens; to clarify the civilian employee status of animal wardens and update the duties and authority of Animal Wardens as defined in Virginia Code §3.2-6500, as amended

Adopt the proposed amendment to Chapter 6, Animals and Fowl, of the Code of the City of Roanoke, Virginia (1979), as amended, Sec. 6-27(b) Limitations on Keeping; increasing the exemption age of dogs from four (4) months to six (6) months.

Authorize the City Manager to take such other actions and to execute such further documents, approved as to form by the City Attorney, as may be necessary to establish, implement, and enforce Article I, Chapter 6, Animals and Fowl, of the Code of the City of Roanoke, Virginia (1979), as amended.



Christopher P. Morrill
City Manager

Distribution: Council Appointed Officers
Brian Townsend, Assistant City Manager for Community Development
Sherman Stovall, Assistant City Manager for Operations
Christopher Perkins, Chief of Police

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE amending and reordaining Chapter 6, Animals and Fowl, changing the term animal control officer to animal warden throughout and establishing that animal control warden shall mean animal control officer as defined in Virginia Code §3.2-6500, as amended; Section 6-2, Designation and general duties of animal wardens, Article I, In General, Chapter 6, Animals and Fowl; Section 6-27(b), Limitations on keeping, Division 1, Generally, Article II, Dogs Generally, Chapter 6, Animals and Fowl, Code of the City of Roanoke (1979), as amended; providing for an effective date; and dispensing with the second reading of this ordinance by title.

BE IT ORDAINED by the Council of the City of Roanoke as follows:

1. Chapter 6, Animals and Fowl, establishing the uniform term of animal warden as the title for the City's animal control officers throughout this chapter, and recognizing that the City Manager shall designate certain employees as animal wardens with the power to enforce all ordinances enacted under this chapter and all laws for the protection of domestic animals is hereby amended and reordained to read and provide as follows:

Chapter 6, Animals and Fowl

Article I, In General

* * *

Sec. 6-2. - Designation and general duties of animal wardens.

The city manager shall designate certain employees~~members~~ of the police department~~force~~ to be known as animal wardens of the city, whose special duty it shall be to enforce the provisions of this chapter and all laws for the

protection of domestic animals.~~to be in charge of the operation of the city pound.~~ The term *animal warden* shall have the same meaning and authority as an animal control officer as defined in Virginia Code §3.2-6500, as amended.

* * *

Sec. 6-6. - Livestock running at large.

No person shall permit his livestock to run at large. Any livestock found running at large may be impounded by law enforcement authorities or animal wardense~~control officers~~ until the owner has been ascertained and given an opportunity to take possession of such livestock. The costs to the city of impounding and keeping such livestock shall be paid by the owners thereof and shall be in addition to any other penalties imposed for a violation of this section.

* * *

Article II, Dogs Generally

Division 1, Generally

* * *

Sec. 6-22. - Definitions.

* * *

Vicious dog. A canine or canine crossbreed that has (1) killed a person; (2) inflicted serious injury to a person, including multiple bites, serious disfigurement, serious impairment of health, or serious impairment of a bodily function; or (3) continued to exhibit the behavior that resulted in a previous finding by a court, or on or before July 1, 2006, by an animal wardense~~control officer~~, in accordance with this article that the animal is a dangerous dog, provided that its owner has been given notice of that finding.

* * *

Sec. 6-25. - Bitches in heat.

It shall be unlawful for any owner to allow, cause or permit any bitch in heat to be off the premises of such owner or to remain on such premises to the annoyance of any other person or to the neighborhood. It shall be the duty of the animal wardense~~control officers~~ to take into custody and

confine in the city pound any such bitch found off the premises of its owner and, also, any such bitch kept on the premises of an owner who, after twenty-four (24) hours' notice from an animal wardene~~ontrol-officer~~, has failed to effectively confine such bitch in a manner not to cause further annoyance to any person or to the neighborhood.

Sec. 6-26. - Barking or howling dogs.

The harboring or keeping of any dog, which by loud, frequent or habitual barking or howling or by other conduct likely to cause annoyance and disturb the peace and quiet of any person or neighborhood, which loud, frequent or habitual barking or howling or other conduct is heard or observed by any animal wardene~~ontrol-officer~~, other officer or other person, shall be unlawful, and any such dog is hereby declared to be a public nuisance. Any such dog may, after reasonable notice has been given by an animal wardene~~ontrol-officer~~ to the owner of such dog, if known, or upon complaint of any person, if such owner is unknown, be impounded and confined in the city dog pound by an animal wardene~~ontrol-officer~~ or any police officer.

* * *

Article II, Dogs Generally

Division 3, Dangerous and Vicious Dogs

Sec. 6-50. - Dangerous dog(s).

Any animal wardene~~ontrol-officer~~ or law-enforcement officer who has reason to believe that a canine or canine crossbreed is a dangerous dog, as defined in this chapter, shall apply to a magistrate of the city for the issuance of a summons requiring the owner or custodian, if known, to appear before the general district court at a specified time. The summons shall advise the owner of the nature of the proceeding and the matters at issue. In the event that a law-enforcement officer successfully makes an application for the issuance of a summons, that law-enforcement officer shall contact the local animal wardene~~ontrol-officer~~ and inform the animal wardene~~ontrol-officer~~ of the location of the dog and the relevant facts pertaining to the law-enforcement officer's belief that the dog is dangerous. The animal wardene~~ontrol-officer~~ shall confine the animal until such time as evidence shall be heard and a verdict rendered. If the animal wardene~~ontrol-officer~~ determines that the owner or custodian can confine the animal in a manner that protects the public safety, he may permit the owner or custodian to confine the animal until such time as evidence shall be heard and a verdict rendered. The court, through its contempt powers, may compel the owner, custodian or harbinger of the

animal to produce the animal. If, after hearing the evidence, the court finds that the animal is a dangerous dog, the animal's owner shall comply with the provisions of this division, and the animal wardene~~control-officer~~ or the owner if directed by the animal wardene~~control-officer~~, shall confine the dog until such time as (a) the owner complies with the conditions of this chapter or (b) the court determines that the dog is not a dangerous dog. The procedure for appeal and trial shall be the same as provided by law for misdemeanors. Trial by jury shall be as provided in Article 4, Chapter 15 of Title 19.2 of the Code of Virginia. The city shall be required to prove its case beyond a reasonable doubt.

Sec. 6-50.1. - Vicious dogs.

Any animal wardene~~control-officer~~ or law-enforcement officer who has reason to believe that a canine or canine crossbreed is a vicious dog, as defined in this chapter, shall apply to a magistrate of the city for the issuance of a summons requiring the owner or custodian, if known, to appear before a general district court at a specified time. The summons shall advise the owner of the nature of the proceeding and the matters at issue. In the event that a law-enforcement officer successfully makes an application for the issuance of a summons, that law-enforcement officer shall contact the local animal wardene~~control-officer~~ and inform the animal wardene~~control-officer~~ of the location of the dog and the relevant facts pertaining to the law-enforcement officer's belief that the dog is vicious. The animal wardene~~control-officer~~ shall confine the animal until such time as evidence shall be heard and a verdict rendered. If the animal wardene~~control-officer~~ determines that the owner or custodian can confine the animal in a manner that protects the public safety, he may permit the owner or custodian to confine the animal until such time as evidence shall be heard and a verdict rendered. The court, through its contempt powers, may compel the owner, custodian or harbinger of the animal to produce the animal. If, after hearing the evidence, the court finds that the animal is a vicious dog, the court shall order the animal euthanized in accordance with the provisions of Code of Virginia, § 3.1-796.119. The procedure for appeal and trial shall be the same as provided by law for misdemeanors. Trial by jury shall be as provided in Article 4, Chapter 15 of Title 19.2 of the Code of Virginia. The city shall be required to prove its case beyond a reasonable doubt.

Sec. 6-51. - Registration of dangerous dog.

(a) The owner of any animal found to be a dangerous dog shall, within ten (10) days of such finding, obtain a dangerous dog registration certificate from the treasurer for a fee of fifty dollars (\$50.00) in addition to other fees that may be authorized by law. The treasurer shall also provide the owner with a uniformly designed tag which identifies the

animal as a dangerous dog. The owner shall affix the tag to the animal's collar and ensure that the animal wears the collar and tag at all times. All certificates obtained pursuant to this paragraph shall be renewed annually for the same fee and in the same manner as the initial certificate was obtained. The animal wardene~~control officer~~ shall provide a copy of the dangerous dog registration certificate and verification of compliance to the state veterinarian.

* * *

Article III, Rabies Control

* * *

Sec. 6-62. - Vaccination of dogs and cats.

* * *

(d) It shall be the duty of the treasurer to examine, under oath, all applicants for dog licenses who decline to exhibit the above-mentioned certificate or other evidence, for the purpose of determining if the applicant's dog has been vaccinated. If the treasurer is satisfied, from such interrogation, that such dog is kept in the city and has not been vaccinated, he shall promptly notify an animal wardene~~control officer~~ of such fact, supplying such animal wardene~~control officer~~ with a brief description of the dog and the applicant's address.

* * *

Article IV, Equine Animals

* * *

Sec. 6-82. - Fencing; roaming at large.

All equine animals shall be kept within securely fenced, walled or otherwise enclosed areas. Any such animal found roaming at large may be impounded by law-enforcement authorities or animal wardens-~~control officers~~ until the owner has been ascertained and given an opportunity to take possession of the animal. The cost to the city of impounding and keeping such animal shall be paid by the owner and shall be in addition to any penalties imposed for a violation of this section.

* * *

Article VII, Cats

* * *

Sec. 6-117. - Vaccination of cats.

No person shall own, keep or harbor any cat over four (4) months of age within the city, unless such cat has been vaccinated against rabies pursuant to section 6-62 of this chapter. The owner of each cat shall keep in his possession the certificate of vaccination required by section 6-62(b) of this chapter and shall display such certificate upon request of any animal wardene~~control officer~~, police officer or official of the health department.

* * *

Sec. 6-119. - Impoundment.

Any cat or cats found in violation of any provision of this article or whose owner is in violation of any provision of this article or any cat or cats creating a "public nuisance" as defined by section 6-115 may be seized by any animal wardene~~control officer~~ or police officer and impounded at the city pound. The officer seizing any cat and officials of the city pound shall follow the procedures established for impounded dogs by section 6-28 of this chapter in keeping and disposing of any impounded cat.

* * *

2. Section 6-27(b), Limitations on keeping, Division 1, Generally, Article II, Dogs Generally, Chapter 6, Animals and Fowl, Code of the City of Roanoke (1979), as amended, is hereby amended and reordained to read and provide as follows:

Article II, Dogs Generally

Division 1, Generally

* * *

Sec. 6-27. - Limitations on keeping.

* * *

- (b) This section shall have no application to:
- (1) Dogs under the age of ~~six~~^{four} (64) months;
 - (2) Dogs kept on any parcel of real property zoned RA, Residential-Agricultural District, pursuant to Chapter 36.2 of this Code;
 - (3) Dogs kept on any farm; or
 - (4) Dogs kept at a veterinary hospital, or laboratory for the purpose of study, observation or medical research provided that any veterinary hospital, or any such laboratory shall comply with Chapters 19, License Tax Code, and 36.2, Zoning, of this Code.

* * *

3. This ordinance shall become effective on the passage of this ordinance.
4. Pursuant to Section 12, Roanoke City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



7.9.4.

CITY COUNCIL AGENDA REPORT

To: Honorable Mayor and Members of City Council
Meeting: March 16, 2015
Subject: Appropriation of Funding for Outstationed Medicaid Eligibility Workers at Carilion Medical Center

Background:

On February 20, 2013 the City of Roanoke Department of Social Services (DSS) and Carilion Medical Center (CMC) entered into an agreement to establish an Outstationed Eligibility Worker (OEW) position through DSS to be placed at CMC. The OEW will accept Medicaid applications and make determinations of eligibility or ineligibility for applicants who are patients of CMC. CMC desires that an OEW be onsite in order to facilitate eligibility determinations for patients awaiting discharge from the hospital to a long term care facility.

The agreement was in effect for a term of two years with the option to be renewed upon written agreement of both parties for two additional and successive one year periods. The agreement may be terminated at any time by either party upon sixty days written notice to the other party.

Considerations:

DSS and CMC are proposing to renew the agreement for two additional and successive one year periods, with two OEW positions.

The total anticipated cost of these positions is \$182,472 for an additional two year period. Monthly, DSS will receive reimbursement for 50% of the cost from federal pass-through funding. DSS will, on a monthly basis, bill CMC for the remaining 50%. There is no local cost for these positions.

Recommendations:

Authorize the City Manager, or his designee to enter into the renewal of this agreement. Such agreement shall be approved as to form by the City Attorney.

Authorize the Director of Finance to establish a revenue estimate in the amount of \$182,472 and appropriate funding in the same amount for two Outstationed Eligibility Worker Positions for a two year period into accounts in the Grant Fund.

Christopher P. Morrill
City Manager

Distribution: Council Appointed Officers
R. Brian Townsend, Assistant City Manager for Community Development
Jane R. Conlin, Director of Human/Social Services

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

OK

A RESOLUTION authorizing the City Manager to execute a renewal of the Outstationed Eligibility Worker contract dated February 6, 2013 ("Contract"), between the City of Roanoke on behalf of its Department of Social Services ("City"), and Carilion Medical Center ("Carilion"), for the placement by the City of an outstationed Medicaid eligibility worker(s) at Carilion, for two successive, additional, one year terms, and authorizing the City Manager to execute any necessary documents required to accept such contract.

WHEREAS, the City and Carilion entered into the Contract for the placement by the City of a Medicaid eligibility worker(s) at Carilion to determine Carilion patients' Medicaid eligibility, and to enroll such eligible patients into Medicaid; and

WHEREAS, the initial term of the Contract was for a two year term commencing February 6, 2013, and the Contract provided that the Contract could be renewed two additional, one year terms, upon the mutual agreement of the parties, and the parties desire to continue the Contract.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke as follows:

1. The City Manager is authorized to execute an agreement between the City and Carilion extending the term of the Contract two successive, additional, one year terms, such renewal agreement to be in a form approved by the City Attorney, and upon such terms and conditions as are more particularly described in the City Council Agenda Report dated March 16, 2015.

2. The City Manager is further directed to execute any additional documents that may be required in connection with the City's renewal of the Contract.

ATTEST

City Clerk

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to appropriate funding from the Commonwealth of Virginia and Carilion Medical Center for outstationed eligibility workers, amending and reordaining certain sections of the 2014-2015 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that the following sections of the 2014-2015 Grant Fund Appropriations be, and the same are hereby, amended and reordained to read and provide as follows:

Appropriations

Regular Employee Salary	35-630-5194-1002	\$122,376
City Retirement	35-630-5194-1105	25,260
FICA	35-630-5194-1120	9,360
Medical Insurance	35-630-5194-1125	23,960
Dental Insurance	35-630-5194-1126	1,332
Disability Insurance	35-630-5194-1131	184

Revenues

Outstationed Worker FY15 - Federal	35-630-5194-5194	91,236
Outstationed Worker FY15 - Carilion	35-630-5194-5195	91,236

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



7.4.5.

CITY COUNCIL AGENDA REPORT

To: Honorable Mayor and Members of City Council
Meeting: March 16, 2015
Subject: Acquisition of Real Property Rights for Trevino Circle/Monterey Road Stream Restoration and Channel Improvement Project

Background:

As part of the FY2016 Capital Improvement Program, staff requests City Council appropriate \$1.92 million for Storm drain improvement projects. These appropriated funds will be matched with \$1.62 million in Virginia Department of Transportation Revenue Sharing funds plus an additional \$500,000 in Stormwater Utility operating funds.

One of the projects to be funded by this combined FY2016 funding appropriation is a stream restoration within an unnamed tributary of Tinker Creek. This stream restoration project will improve the downstream water quality within the Tinker Creek watershed while providing adequate stormwater conveyance capacity and stabilization measures to the existing stream channel. The project is in the general vicinity of the Trevino Circle, Trevino Drive, Old Mountain Road, Jacklin Circle, and Monterey Road, NE within the Monterey neighborhood.

The project portion of this unnamed Tinker Creek tributary is highly eroded and inadequate to convey frequent storms. Runoff from the public right of way contributes to private property flooding and continued erosion results in poor water quality downstream. Constructing the stream restoration and proposed channel improvements would correct known drainage problems in the Monterey neighborhood while improving water quality in the Tinker Creek watershed.

In order to construct, operate, and maintain the proposed improvements, the City will need to acquire real property rights from private owners.

Considerations:

City Council action is necessary to authorize the acquisition of real property rights needed for the Trevino Circle/Monterey Road Stream Restoration and Channel Improvement Project. The real property rights needed are outlined below, but are subject to minor variation of location and extent pending final engineering design details.

Funding for acquisition of the real property rights will be available in project account 08-530-9734, Neighborhood Storm drain Projects.

Permanent drainage and temporary construction easements of variable length and width are required to accommodate construction activities and will affect

eight (8) properties in the general vicinity identified above. The City may also need to acquire various other property rights involving the properties listed below and other properties which have not yet been identified for this project. The properties that have been identified so far are as follows:

Tax Map Parcel Number	Address	Owner	Required Property Rights
7370811	1204 Monterey Road, NE	Anthony Burnette	Permanent Drainage Easement
7371012	1257 Trevino Drive, NE	Dennis & Phyllis Groff	Permanent Drainage Easement
7371013	1253 Trevino Drive, NE	Dennis & Phyllis Groff	Permanent Drainage Easement
7370827	0 Monterey Road, NE	Frank & Carol Gibson	Permanent Drainage Easement & Temporary Construction Easement
7370803	4451 Old Mountain Road, NE	Sitestar Corporation	Permanent Drainage Easement
7370807	4477 Old Mountain Road, NE	Mark S. Hicks	Permanent Drainage Easement
7370810	0 Old Mountain Road, NE	Kirk Avenue Properties 2 LLC	Permanent Drainage Easement & Temporary Construction Easement
7410102	4662 Old Mountain Road, NE	Harpear Properties Inc.	Permanent Drainage Easement

Recommended Action:

Authorize the acquisition of any real property rights needed to construct the proposed Trevino Circle/Monterey Road Stream Restoration and Channel Improvement Project, including but not limited to the specific property rights identified in the City Council Agenda Report, by negotiation and execution of the appropriate acquisition documents by the City Manager, such documents to be approved as to form by the City Attorney.



Christopher P. Morrill
City Manager

Distribution: Council Appointed Officers
 Sherman M. Stovall, Assistant City Manager for Operations
 Robert K. Bengtson, P.E., Director of Public Works
 Philip C. Schirmer, P.E., City Engineer
 Dwayne R. D'Ardenne, CGM, PWM, Stormwater Manager
 Josephus M. Johnson-Koroma, P.E., Civil Engineer II
 Cassandra L. Turner, Economic Development Specialist

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE providing for the acquisition of real property rights needed by the City in connection with the Trevino Circle/Monterey Road Stream Restoration and Channel Improvements Project ("Project"); authorizing City staff to acquire such property rights by negotiation for the City; authorizing the City Manager to execute appropriate acquisition documents; and dispensing with the second reading of this Ordinance by title.

BE IT ORDAINED by the Council of the City of Roanoke as follows:

1. The City wants and needs certain real property rights, to include temporary construction and/or permanent easements of variable length and width, and such other real property interests as needed, as set forth in the City Council Agenda Report dated March 16, 2015, for the Project, in the general vicinity of Trevino Circle, N.E., Trevino Drive, N.E., Old Mountain Road, N.E., Jacklin Circle, N.E., and Monterey Road, N.E., Roanoke, Virginia, and surrounding streets. The proper City officials and City staff are hereby authorized to acquire by negotiation for the City the necessary real property interests and appropriate ancillary rights with respect to the real property parcels referred to in the above mentioned City Council Agenda Report dated March 16, 2015 and any other real property parcels needed for the Project for such consideration as the City Manager may deem appropriate, subject to an acceptable title and environmental report. All requisite documents shall be approved as to form by the City Attorney.

2. The City Manager is further authorized to execute appropriate acquisition documents for the above mentioned parcel(s) for such consideration as deemed appropriate for

the necessary interests, provided, however, the total consideration offered or expended, including costs, title search fees, appraisal costs, recordation fees, and other related costs shall not exceed the funds available in the Project's account for such purposes, without further authorization of Council. Upon the acceptance of any offer and upon delivery to the City of appropriate acquisition documents, approved as to form by the City Attorney, the Director of Finance is authorized to pay the respective consideration to the owners of the real property interests conveyed, certified by the City Attorney to be entitled to the same.

3. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this Ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



7.a.6.

CITY COUNCIL AGENDA REPORT

To: Honorable Mayor and Members of City Council
Meeting: March 16, 2015
Subject: Acquisition of Real Property Known as 1906 Laura Road, NW,
Official Tax Map Number 6140322 for the City of Roanoke
Floodplain Mitigation Project

Background:

The City of Roanoke was awarded a grant as part of the FY 2013 Federal Emergency Management Agency (FEMA) Hazard Mitigation Assistance Program. City Council appropriated \$58,437 for the City of Roanoke Floodplain Mitigation project. This will be matched with \$175,309 in Hazard Mitigation Assistance Program funds, for a total project cost of \$233,746.

The project consists of acquisition and demolition of two real properties within the FEMA floodway which are prone to flooding. Upon demolition, both properties are to be converted to open space in perpetuity as required by the terms of the grant.

The owners of one of the two real properties are no longer interested in selling their property to the City. This property will be removed from the project.

The other real property is located at 1906 Laura Road, NW, Roanoke, Virginia 24017, bearing Official Tax Map No. 6140322, and is currently assessed in the name of Clarence E. Hill and Hazel V. Hill. Both persons are now deceased, and their heirs Richard Hill and Gary Hill had accepted a formal offer from the City of Roanoke for the purchase of the property in the amount of \$81,000, which represents the fair market value of the property based on an appraisal obtained by the City. Gary Hill passed away in early March, and City staff is negotiating the sale of this property with Gary Hill's heirs.

Considerations:

City Council action is necessary to authorize the acquisition of real property rights needed for the City of Roanoke Floodplain Mitigation Project. The real property rights needed are outlined below.

Funding for acquisition of the real property rights is available in account 35-530-8182, City of Roanoke Flood Mitigation Project.

The one (1) property identified is as follows:

Tax Map	Address	Owner	Required Property Rights
6140322	1906 Laura Road, NW	Richard Hill and the heirs of Gary Hill; being the heirs of Clarence E. Hill and Hazel V. Hill	Full Property Acq.

Recommended Action:

Authorize the acquisition of property rights needed for the City of Roanoke Floodplain Mitigation Project, including but not limited to the specific property rights identified in this City Council Agenda Report, by negotiation and execution of the appropriate acquisition documents by the City Manager, such documents to be approved as to form by the City Attorney.



Christopher P. Morrill
City Manager

Distribution: Council Appointed Officers
Sherman M. Stovall, Assistant City Manager for Operations
Robert K. Bengtson, P.E., Director of Public Works
Philip C. Schirmer, P.E., City Engineer
Dwayne R. D'Ardenne, CGM, PWM, Stormwater Manager
Josephus M. Johnson-Koroma, P.E., Civil Engineer II
Megan Scott, EIT, CFM
Cassandra L. Turner, Economic Development Specialist

D2C

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE authorizing the acquisition and demolition of certain property located at 1906 Laura Road, N.W., which is subjective to repetitive flooding, under the Federal Emergency Management Agency's (FEMA) Hazard Mitigation Grant Program ("Program") in coordination with the Commonwealth of Virginia Department of Emergency Management, upon certain terms and conditions; and dispensing with the second reading of this ordinance by title.

BE IT ORDAINED by the Council of the City of Roanoke as follows:

1. The City Manager is authorized to execute the necessary documents, upon form approved by the City Attorney, to acquire the real property located at 1906 Laura Road, N.W., Roanoke, Virginia, bearing Official Tax Map No. 5030214, which is currently owned by the heirs of the late Clarence Hill and Hazel Hill, in whose names the property is currently assessed, for the purchase price of \$81,000.00, such acquisition is subject to a satisfactory environmental site inspection and title report, under the FEMA Hazard Mitigation Grant Program in coordination with the Commonwealth of Virginia Department of Emergency Management, and to demolish the structure located thereon after such acquisition, in accordance with the requirements of the Program, upon the terms and conditions contained in the City Manager's March 16, 2015, letter to City Council. Such documents shall be upon form approved by the City Attorney.

2. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk



CITY OF ROANOKE
OFFICE OF THE CITY ATTORNEY
464 MUNICIPAL BUILDING
215 CHURCH AVENUE, SW
ROANOKE, VIRGINIA 24011-1595

Daniel J. Callaghan
City Attorney

TELEPHONE 540-853-2431
FAX 540-853-1221
EMAIL: cityatty@roanokeva.gov

7.6.1.
TIMOTHY R. SPENCER
STEVEN J. TALEVI
DAVID L. COLLINS
HEATHER P. FERGUSON
LAURA M. CARINI
Assistant City Attorneys

March 16, 2015

The Honorable Mayor and Members
of City Council
Roanoke, Virginia

Re: Approval of refund of overpayment of real estate taxes
0 Edmunds Avenue, N.E.
Official Tax Map No. 3222217
Wayne Eubank, property owner

Dear Mayor Bowers and Members of Council:

BACKGROUND

In December, 2014, a citizen contacted the City of Roanoke Real Estate Valuation Office to question whether City records were accurate with respect to the tax assessment of certain real property situated on Edmunds Avenue, N.E., Roanoke, bearing Official Tax Map No. 3222217 (Parcel 3222217). The City had assessed Parcel 3222217 at a value of \$58,200 (\$10,500 for the land and \$47,700 for a single family home). Upon review, the Director of the Real Estate Valuation concluded that the assessment records for this parcel were incorrect because Parcel 3222217 was a vacant lot. In her research, the Director of the Real Estate Valuation also concluded that the assessment of another parcel on Edmunds Avenue, N.E., bearing Official Tax Map No. 3222215 (Parcel 3222215) was also in error. Parcel 3222215 was assessed at a value of \$10,700 for the value of land only, when, in fact, a single family home had been constructed on Parcel 3222215 and maintained for several years.

The Director of Real Estate Valuation met with the owner of Parcel 3222217, Wayne Eubank, and advised him of this error. The Director also advised Mr. Eubank that, subject to approval by City Council, he was entitled to a refund of taxes paid by him for the current tax year, if any, and the three prior tax years, together with interest at the annual rate of 10%, for the portion of taxes paid that were attributable to the erroneously assessed value of the improvements on Parcel 3222217. The refund would also include a refund of any penalties and interest paid by Mr. Eubank. The aggregate amount due to Mr. Eubank is \$2,378.06. Mr. Eubank also agreed that the amount of current real estate taxes due and unpaid, for Parcel 3222217 may be deducted from the refund. The net amount to be paid to Mr. Eubank is \$1,580.31. The Commissioner of the Revenue has certified that the assessment of Parcel 3222217 was erroneous pursuant to Section 58.1-3981(A), Code of Virginia (1950), as amended. A copy of this certification is attached to this letter.

The Director of Real Estate Valuation also met with a representative of the owner of Parcel 3222215 (Sandra Lee Overstreet) and informed her representative that, subject to approval of the Commissioner of the Revenue and the City Treasurer, together with the acknowledgement and endorsement of City

Council, the City would correct the assessment of Parcel 3222215 to include the value of the single family home on the property but would not seek a payment of taxes for the prior years, based on the omission of the value of the improvements in the assessed value of Parcel 3222215. The Commissioner of the Revenue and the City Treasurer support this resolution with respect to Parcel 3222215.

RECOMMENDED ACTION

Adopt a resolution to (i) authorize and direct the Treasurer to issue a refund to Mr. Eubank, owner of Parcel 3222217, for the erroneous assessment of Parcel 3222217; (ii) acknowledge and ratify the recommendation of the Director of Real Estate Valuation that City correct the assessment of Parcel 3222215 as of July 1, 2015 and refrain from collecting any additional taxes for prior tax years assessed against the parcel; and (iii) authorize such other actions as may be necessary to implement, administer, and enforce the correction of the assessments of Parcel 3222217 and Parcel 3222215.

Respectfully submitted,



Daniel J. Callaghan
City Attorney

DJC/lsc

Enclosure – Certificate of Commissioner of the Revenue

- c: Council Appointed Officers
Sherman Holland, Commissioner of the Revenue
Evelyn Powers, City Treasurer
R. Brian Townsend, Assistant City Manager for Community Development
Sherman Stovall, Assistant City Manager for Operations
Susan Lower, Director of Real Estate Valuation
David Collins, Assistant City Attorney

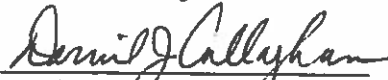
CERTIFICATION OF THE COMMISSIONER OF THE REVENUE
PURSUANT TO SECTION 58.1-3981 (A), CODE OF VIRGINIA (1950), AS AMENDED

I, Sherman A. Holland, hereby certify, pursuant to Section 58.1-3981 (A), Code of Virginia (1950), as amended, that Wayne Eubank, owner of certain real property situated at Edmunds Avenue, N.E., Roanoke Virginia, bearing Official Tax Map No. 3222217 (Parcel 3222217), that the assessment of Parcel 3222217 was erroneous and Mr. Eubank is entitled to a refund in the amount of \$2378.06, subject to a deduction for currently unpaid real property taxes in the amount of \$797.75, all as described in a letter to Mr. Eubank from Susan S. Lower, Director, Real Estate Valuation, dated February 9, 2015, a copy of which letter is attached to this certification.

Dated this 11th day of March, 2015.


Sherman A. Holland
Commissioner of the Revenue

Consented to pursuant to Section 58.1-3981 (A)


Daniel J. Callaghan
City Attorney



REAL ESTATE VALUATION
Noel C. Taylor Municipal Building
215 Church Avenue, S.W. Room 250
Roanoke, Virginia 24011

PH: 540.853.2771
FAX: 540.853.2796

February 9, 2015

Hand Delivered

Mr. Wayne Eubank
4548 Pennsylvania Ave NE
Roanoke, VA 24019

RE: Property owned by Wayne Frederick Eubank
Known as Lot 18, Block 10, Jackson Park
Official Tax Map Number 3222217

Property owned by Wayne Frederick Eubank
And Traci Leigh Eubank
Known as Lot 17, Block 10, Jackson Park
Official Tax Map Number 3222216

Dear Mr. Eubank,

We are writing to inform you it has come to our attention in a recent review of your properties that you purchased Lot 18, Blk 10, Jackson Park in December of 2005, according to Instrument Number 050019800. This property is designated as Official Tax Map Number 3222217 in the City's tax assessment system and on the City's Geographical Information System (GIS).

The City's assessment system erroneously has this property assessed as a lot with a house and an address of 1650 Edmund Avenue NE. As a result, you have been charged real estate taxes based on an assessment of a lot and dwelling since the date of purchase. This property is actually 0 Edmund Avenue, NE and is a vacant lot. We have corrected the information to reflect this. A corrected Property Card is enclosed. This correction is made effective July 1, 2014.

Additionally, you and Traci Leigh Eubank acquired Lot 17, Blk 10, Jackson Park in May of 2005 according to Instrument Number 050006916. This property is designated as Official Tax Map Number 3222216 by the City.

The City's assessment system erroneously has this property listed as 1718 Edmund Avenue NE. The correct address for this property is 1650 Edmund Avenue, NE. As a result you have been charged real estate taxes based on an assessment for the property located at 1718 Edmund Avenue NE. We have

corrected the information to reflect this. A corrected Property Card is enclosed. This correction will be made effective as of July 1, 2015. The tax assessment for the current tax year is not changed.

Due to our errors, you are entitled to receive a refund. We have discussed the calculation of the refund and I have enclosed some documents that provide the details to determine the amount of your refund. In summary, you are entitled to a refund for the portion of property taxes, together with the portion of interest, late fees, and charges related to the value of the building erroneously included in your tax bill. The City will also pay you interest on this amount.

The total amount of your refund, with interest, is \$2378.06. As we discussed you currently owe the City taxes on both properties. In addition, you will be receiving bills from the City for the taxes that are payable in April. We have agreed that the City will deduct these amounts (\$797.75) and pay you the sum of \$1580.31. Under state law, we must advise City Council of this matter and obtain authorization from City Council to make this refund. We expect to obtain Council approval at the February 17th or March 2nd sessions of Council.

I apologize for these errors. The City Attorney and I are happy to meet with you to discuss any questions you may have. I can be reached at 540-853-2771 to set up an appointment.

Sincerely,

Susan S. Lower

Susan S. Lower, SRA
Director
Real Estate Valuation

cc: Daniel J. Callaghan, City Attorney

Received by: Wayne Eubank

Mr. Wayne Eubank

Date: FEB/9/15

Eubank Refund - (Tax Map No.s 3222216 & 3222217)				
Property Taxes Attributable to Building Only				
Fiscal Year	FY 11/12	FY 12/13	FY13/14	Grand Total
Total Tax Paid (Building only - Tax Map No 3222217)	\$531.94	\$531.94	\$531.94	
Total Fee, Penalty, Interest Paid by Mr. Eubank	180.76	165.04	132.55	
Charge 80% of Penalty Paid attributable to Bldg only	\$144.61	\$132.03	\$106.04	
Interest Charged	0.30	0.20	0.10	
Interest Amt	\$202.96	\$132.79	\$63.80	
Total Due	\$879.51	\$796.77	\$701.78	\$2,378.06
Less Tax Bills owed through June 30, 2015 - FY 14/15				
3222216 - Amount owed through 6/30/2015	(672.80)			
3222217 - Amount owed through 6/30/2015 - Land Only	(124.95)			
Total	(797.75)			(797.75)
Total Due to Eubank				\$1,580.31



City of Roanoke Real Estate Tax Statement

EVELYN W POWERS, TREASURER
PO BOX 1451
ROANOKE, VA 24007
(540) 853-2561 FAX (540) 853-1019
www.roanokeva.gov

Statement Date: 02/04/2015

Tax Year 2015
Tax Map No 3222216
Roanoke City

Property Address 1650 EDMUND AVE NE
Legal Description LOT 17 BLK 10 JACKSON PARK
Jan 1 Owner EUBANK WAYNE FREDERICK & TRACI LEIGH
Current Owner(s) EUBANK WAYNE FREDERICK & TRACI LEIGH

Assessed Values	
Land	10,500
Building	45,400

Credits and Exemptions

Charge Description	Taxable Value	Rate/\$100	Tax
Real Estate Tax	55,900	1.19	665.21
Total Current Year Tax			665.21
Stormwater Utility Fee*			7.20
Total Current Year Charges			672.41
Prior Year Delinquencies			0.00
Total Charges			672.41
AMOUNT DUE BY 04/06/2015			\$672.80

*For Stormwater Utility Fee Questions, Call the Stormwater Division (540) 853-2676 or stormwater@roanokeva.gov

Account Summary							
Bill Number	Installment	Due Date	Tax	Penalty	Interest	Fees	Total Due
2015 - 01027880	First	10/06/2014	328.38	0.00	8.21	0.00	336.59
	Second	04/06/2015	336.21	0.00	0.00	0.00	336.21
Grand Total			664.59	0.00	8.21	0.00	672.80

The property owner is responsible for ensuring full payment of this obligation. If funds are held in escrow to pay for these taxes, forward this statement along with your loan number to the mortgage holder.

- Payments must be received or postmarked by the due date to avoid penalty and interest charges on current balance due and additional charges on delinquent balances due.
- Payments received may be applied to the oldest outstanding bills first per §58.1-3913.
- See back for additional information.

TEAR AND RETURN BOTTOM PORTION WITH YOUR PAYMENT

Tax Map Number	Due Date	Current Amount Due	Delinquent Amount Due	Total Due
3222216	04/06/2015	672.80	0.00	672.80
MAKE CHECKS PAYABLE TO: TREASURER, CITY OF ROANOKE			Amount Enclosed	

Statement Date: 02/04/2015

EUBANK WAYNE FREDERICK & TRACI LEIGH
4548 PENNSYLVANIA AVE NE
ROANOKE VA 24019

MAKE ADDRESS	_____
CHANGE HERE:	_____

3222216000000067280



City of Roanoke Real Estate Tax Statement

EVELYN W POWERS, TREASURER
PO BOX 1451
ROANOKE, VA 24007
(540) 853-2561 FAX (540) 853-1019
www.roanokeva.gov

Statement Date: 02/04/2015

Tax Year 2015
Tax Map No 3222217
Roanoke City

Property Address EDMUND AVE NE
Legal Description LOT 18 BLK 10 JACKSON PARK
Jan 1 Owner EUBANK WAYNE
Current Owner(s) EUBANK WAYNE

Assessed Values	
Land	10,500
Building	47,700

Credits and Exemptions

Charge Description	Taxable Value	Rate/\$100	Tax
Real Estate Tax	10500 -58,200	1.19	692.68 124.95
Total Current Year Tax			
			692.68 124.95
Stormwater Utility Fee*			14.48
Total Current Year Charges			706.98 124.95
Prior Year Delinquencies			0.00
Total Charges			706.98 124.95
AMOUNT DUE BY 04/06/2015			755.29 124.95

*For Stormwater Utility Fee Questions, Call the Stormwater Division (540) 853-2676 or stormwater@roanokeva.gov

Account Summary							
Bill Number	Installment	Due Date	Tax	Penalty	Interest	Fees	Total Due
2015 - 01027879	First	10/06/2014	353.49	35.35	42.06	0.00	430.90
	Second	04/06/2015	353.49	0.00	0.00	0.00	353.49
NEW							
Assessed	10,500	10/6/2014	62.48				
Value	10,500	4/6/2015	62.47				
Grand Total							
			124.95 706.98	0 35.35	0 42.06	0.00	124.95 755.29

The property owner is responsible for ensuring full payment of this obligation. If funds are held in escrow to pay for these taxes, forward this statement along with your loan number to the mortgage holder.

- Payments must be received or postmarked by the due date to avoid penalty and interest charges on current balance due and additional charges on delinquent balances due.
- Payments received may be applied to the oldest outstanding bills first per §58.1-3913.
- See back for additional information.

TEAR AND RETURN BOTTOM PORTION WITH YOUR PAYMENT

Tax Map Number	Due Date	Current Amount Due	Delinquent Amount Due	Total Due
3222217	04/06/2015	755.29 124.95	0.00	755.29 124.95
Amount Enclosed				

MAKE CHECKS PAYABLE TO: TREASURER, CITY OF ROANOKE

Statement Date: 02/04/2015

EUBANK WAYNE
4548 PENNSYLVANIA AVE NE
ROANOKE VA 24019

MAKE ADDRESS

CHANGE HERE:

3222217000000075529

EUBANK WAYNE FREDERICK & TRACI LEIGH
 4548 PENNSYLVANIA AVE NE
 ROANOKE, VA 24019
 LOT 17 BLK 10 JACKSON PARK

EUBANK WAYNE FREDERICK & TRACI LEIGH 1650 EDMUND AVE NE

200

Printed 02/05/2015

Card No. 1 of 1

Neighborhood Number
 71

Neighborhood Name
 THRASHER PARK 71

AXING DISTRICT INFORMATION

Jurisdiction Name City of Roanoke
 Area 001
 District Roanok
 Census Tract 6

Site Description
 Topography

Public Utilities

Street or Road

Neighborhood

Zoning:
 RM-1

Legal Acres:
 0.1111

Transfer of Ownership

Owner	Consideration	Transfer Date	Deed Book/Page	Deed Type
EUBANK WAYNE F (Inactive)	0	05/04/2005	050006916	Ot
EUBANK OPAL (Inactive)	0	03/14/2005	050000146	Ot
	0	07/04/1776	CONV0000000126790	Ot

Valuation Record

Assessment Year	2011	2012	2013	2014	2015	2015	2015	
Reason for Change	Annual GRA	Annual GRA	Annual GRA	Annual GRA	Annual GRA	Admin Adjust	Annual GRA	
0 L	10700	10700	10500	10500	10500	10500	10500	
I	44500	44500	44500	45400	44800	47700	47700	
T	55200	55200	55000	55900	55300	58200	58200	

Land Size

Land Type	Rating, Soil ID - or - Actual Frontage	Acreage - or - Effective Frontage	Square Feet - or - Effective Depth	Influence Factor
Homesite	40.0	0	0	



EUBANK WAYNE
4548 PENNSYLVANIA AVE NE
ROANOKE, VA 24019
LOT 18 BLK 10 JACKSON PARK

Neighborhood Number
71

Neighborhood Name
THRASHER PARK 71

AXING DISTRICT INFORMATION

Jurisdiction Name City of Roanoke
Area 001
District Roanok
Census Tract 6

Site Description
Topography

Public Utilities

Street or Road

Neighborhood

Zoning:
RM-1

Legal Acres:
0.1103

EDMUND AVE NE

Tax ID ND

Printed 02/05/2015

100

Card No. 1 of 1

Transfer of Ownership

Owner	Consideration	Transfer Date	Deed Book/Page	Deed Type
MCGHEE LEON T (Inactive)	25000	12/01/2005	050019800	Ot
ST CLAIR THELMA M (Inactive)	12000	09/23/1986	01545 01300	Ot
	0	07/04/1776	CONV0000000126793	Ot

		New	OLD	New	OLD	New	OLD	New
Assessment Year		2013	2013	2014	2014	2015	2015	2015
Reason for Change		Annual GRA_C	Annual GRA	Annual GRA_C	Annual GRA	Annual GRA_C	Annual GRA	Annual GRA
0	L	10700	10500	10500	10500	10500	10500	10500
	I	0	44700	0	47700	0	47700	0
	T	10700	55200	10500	58200	10500	58200	10500

Land Size				
Land Type	Rating, Soil ID - or - Actual Frontage	Acreage - or - Effective Frontage	Square Feet - or - Effective Depth	Influence Factor
Homesite	40.0	0	0	

3222217

3222217 71 S02 M02 Parcel needs value change notice printed Active Browse 100 100-Vicent Land

PIN Owner Alt-PIN Address

3222217

Summary History Buildup

Valuation History

	01/01/2009 Y	01/01/2010 Y	01/01/2011 Y	07/01/2011 R	01/01/2012 R	07/01/2012 R
	Annual GRA NEEDED	Annual GRA NEEDED	Annual GRA 01/05/2011	Annual GRA_C NEEDED	Annual GRA 01/05/2012	Annual GRA NEEDED
Appraised Values:						
Land:	10700	10700	10700	10700	10700	10700
Imp:	44700	44700	44700	0	44700	0
Total:	55400	55400	55400	10700	55400	10700
Use Values:						
Land:	0	0	0	0	0	0
Imp:	44700	44700	44700	0	44700	0

Parcel 1 of 1



1 inch = 40 feet

3330402

3330406

3330425

3330419

3330405

3330404

3222261

3222219

3222218

3222217

3222216

3222215

3222214

3222213

3222212

3222211

3222262

3222263

3222264

3222265

3222266

WAYLAND ST NE

3211027

3211026

3211025

EDMUND AVE NE

3222210

ORC

7.6.1.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

A RESOLUTION authorizing and directing the City Treasurer to refund an overpayment of an erroneous assessment of real estate taxes, including any penalties and interest, on real property located on Edmunds Avenue, N.E., Roanoke, Virginia, bearing Official Tax Map No. 3222217, owned by Wayne Eubank ("Parcel 3222217 "), for the 2014, 2013, 2012, and 2011 tax years, together with interest at the annual rate of 10% , in accordance with the provisions of Section 58.1-3981(A) of the Code of Virginia (1950) as amended; ratifying the recommendation of the Director of Real Estate Valuation to correct an erroneous assessment of real estate taxes on another parcel of real estate located on Edmunds Avenue, N.E., Roanoke, Virginia, bearing Official Tax Map No. 3222215, owned by Sandra Lee Overstreet ("Parcel 3222215"); authorizing the proper City officials to take such other actions as may be necessary to implement, administer, and enforce the correction of the assessments of Parcel 3222217 and Parcel 3222215; upon certain terms and conditions, and dispensing with the second reading of this ordinance by title.

WHEREAS, the City's Commissioner of the Revenue has determined and certified, and the City Attorney consented, as further stated in the City Attorney's letter to this Council dated March 16, 2015, that, as a result of an erroneous assessment on Parcel 3222217, Wayne Eubank has overpaid the amount of real estate taxes due on such parcel by the amount of \$2,378.06, for the 2014, 2013, 2012, and 2011 tax years, and is entitled to a refund of the same.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. Pursuant to Section 58.1-3981 (A) of the Code of Virginia (1950) as amended, and the certification of the Commissioner of the Revenue, with the consent of the City Attorney, the City Treasurer is hereby authorized and directed to refund to Wayne Eubank the amount of \$2,378.06 which amount reflects the overpayment of real estate taxes made on Parcel 3222217 as a result of an erroneous assessment for the 2014, 2013, 2012, and 2011 tax years, and includes penalties, together with interest, at the annual rate of 10% from the dates of such overpayments, and prior to making payment of the refund, the City Treasurer is authorized and directed to deduct the balance of the 2014 real estate taxes owed on such property in the amount of \$797.75, and make a net payment by the City Treasurer to Wayne Eubank in the amount of \$1,580.31, as further set forth in the City Attorney's March 16, 2015, letter to this Council.

2. City Council hereby concurs and ratifies the Director of Real Estate Valuation's recommendation that the City correct the assessment of Parcel 3222215 as of July 1, 2015, and refrain from collecting any additional taxes owed on such parcel for the prior tax years.

3. The proper City officials are authorized to take such other actions as may be necessary to implement, administer, and enforce the correction of the assessments of Parcel 3222217 and Parcel 3222215.

ATTEST

City Clerk



**CITY OF ROANOKE
DEPARTMENT OF FINANCE**

215 Church Avenue, SW, Suite 465
Roanoke, Virginia 24011-1220
Telephone (540) 853-2821
Fax: (540) 853-6142

BARBARA A. DAMERON
Director of Finance

ANDREA F. TRENT
Assistant Director of Finance

March 12, 2015

Honorable Mayor and Members of City Council
Roanoke, VA

Dear Mayor and Members of City Council,

I am pleased to report that Roanoke had a successful competitive bond sale March 10. The winning bid was awarded with a 2.75% True Interest Cost, which is excellent given the 11-year average life of the structure.

Fitch Ratings and Standard & Poor's affirmed Roanoke's AA+/Stable Outlook rating. Attached is a copy of the presentation made to the rating agencies during our update call. The team presenting the information represented the City well, demonstrating the City's strong operational and financial management, strong economic development projects, both completed as well as ongoing, and the excellent quality of life afforded Roanoke's residents and visitors.

In their rating rationale, Fitch noted the City's slight decline in taxable assessed values, but also pointed out the City's tax rates and levies are not subject to statutory or charter limitations, affording the City the ability to offset assessed value decreases and maintain revenue stability. Fitch further noted the City's tax rate has been flat or declined each year since fiscal year 2002.

Standard & Poor's report reflected their opinion of the City's:

- "Adequate economy that serves as a regional commercial hub in western Virginia;
- Very strong budgetary flexibility with a demonstrated willingness and ability to raise taxes and fees;
- Strong budgetary performance in fiscal 2014 coupled with consistently balanced general fund budgets;
- Very strong liquidity with strong access to external liquidity;
- Very strong management conditions with strong financial management policies and practices in place; and
- Strong debt and contingent liability profile with rapid principal amortization."

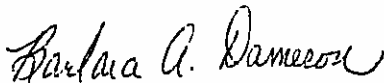
Honorable Mayor and Members of Council
March 12, 2015
Page 2

Standard & Poor's noted it was unlikely there would be a significant deterioration in operating performance or reduction in liquidity or reserves, but stated deterioration in these conditions could lead to a lower rating. It was also noted that substantial economic growth, holding all other factors equal, could lead to a higher rating.

Several City of Roanoke departments were involved in either the rating update presentation, providing information for the presentation, or both. I would like to thank everyone who participated. I would also like to thank City Council for their leadership and commitment to good governance, which enables City staff to develop policies and practices that help maintain the City's bond rating. A strong credit rating allows the City to make investments in and for the community at a lower cost of financing.

Please let me know if you have questions or if I can provide additional information.

Sincerely,

A handwritten signature in cursive script that reads "Barbara A. Dameron".

Barbara A. Dameron
Director of Finance

Attachments



CITY COUNCIL AGENDA REPORT

To: Honorable Mayor and Members of City Council
Meeting: March 16, 2015
Subject: Adoption of Tax Year 2015 Personal Property Tax Relief Act (PPTRA) Percentage

Background:

The PPTRA was enacted in 1998 and provides for a measure of personal property tax relief based on assessed motor vehicle values. (Vehicles valued at \$1,000 and below are exempt from taxation.) The amount of relief each locality receives from the Commonwealth has been fixed since 2006 (Roanoke currently receives \$8,075,992 annually).

Considerations:

City Council is required by the Commonwealth to annually adopt a resolution setting the percentage reduction in personal property for that year. City staff computed the effective reimbursement rate using the PPTRA Allocation Model, developed by a working group of local officials and used across the Commonwealth. The percentage reduction is calculated to distribute the \$8,075,992 block grant allocation from the Commonwealth in an equitable manner. The allocation model applies a five year average of personal property data to the vehicle levy from the prior year. When the prior year levy and the calculated averages increase, as is the case this year, the relief percentage decreases. Since there is a fixed grant amount, the higher the levy, the smaller share each taxpayer receives.

The rate as computed for tax year 2015 is 49.00%, down from the 2014 rate of 58.37%.

Recommended Action:

Adopt the attached resolution which establishes the percentage reduction for personal property tax relief at 49.00% for the City of Roanoke for the 2015 tax year.


 Barbara A. Dameron
 Director of Finance

Distribution: Honorable Sherman A. Holland, Commissioner of the Revenue
 Honorable Evelyn W. Powers, Treasurer
 Council Appointed Officials
 Amelia C. Merchant, Director of Management and Budget

Callaghan

7.c. 2.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

A RESOLUTION setting the allocation percentage for personal property tax relief in the City of Roanoke for the 2015 tax year.

WHEREAS, in accordance with the requirements set forth in Section 58.1-3524 (C) (2) and Section 58.1-3912 (E) of the Code of Virginia, as amended by Chapter 1 of the Acts of Assembly and as set forth in item 503.E (Personal Property Tax Relief Program or "PPTRA") of Chapter 951 of the 2005 Acts of Assembly, qualifying vehicles with a taxable situs within the City commencing January 1, 2015, shall receive personal property tax relief; and,

WHEREAS, this Resolution is adopted pursuant to Ordinance 37221-101705 adopted by City Council on October 17, 2005.

NOW THEREFORE BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. That tax relief shall be allocated such as to provide 100% tax relief for qualifying personal use vehicles valued at \$1,000 or less.
2. That qualifying personal use vehicles valued at \$1,001-\$20,000 will be eligible for 49.00% tax relief.
3. That qualifying personal use vehicles valued at \$20,001 or more shall only receive 49.00% tax relief on the first \$20,000 of value.
4. That all other vehicles which do not meet the definition of "qualifying" (for example, including but not limited to, business use vehicles, farm use vehicles, motor homes, etc.) will not be eligible for any form of tax relief under this program.

5. That the percentages applied to the categories of qualifying personal use vehicles are estimated fully to use all available PPTRA funds allocated to the City of Roanoke by the Commonwealth of Virginia.

ATTEST:

City Clerk.



**ROANOKE CITY
PUBLIC SCHOOLS**

Strong Students. Strong Schools. Strong City.

March 16, 2015

School Board

*Todd A. Putney
Chairman*

*Suzanne P. Moore
Vice Chairman*

*William B. Hopkins, Jr.
Mae G. Huff
Annette Lewis
Lori E. Vaught
Richard Willis*

*Dr. Rita D. Bishop
Superintendent*

*Cindy H. Poulton
Clerk of the Board*

The Honorable David Bowers, Mayor
and Members of Roanoke City Council
Roanoke, VA 24011

Dear Members of Council:

As a result of official School Board action on Tuesday, March 10, 2015, the Board respectfully requests that City Council approve the following appropriation requests:

<u>New Appropriation</u>	<u>Award</u>
Title I-D Detention Center Literacy Program 2015-16	\$1,000.00
Foundation of Roanoke Valley	\$2,000.00

<u>Revised Appropriation</u>	<u>Additional Award</u>
Mentor Teacher Program	\$1,966.86
Governor's School 2013-2014	\$114,095.00

On behalf of the School Board, thank you for your consideration.

Sincerely,

Cindy H. Poulton
Clerk

pc: Dan Callaghan
Chris Morrill
Barbara Dameron
Todd A. Putney

Rita D. Bishop
Kathleen Jackson
Acquenatta Harris (w/details)



8.a.

CITY COUNCIL AGENDA REPORT

To: Honorable Mayor and Members of City Council
Meeting: March 16, 2015
Subject: School Board Appropriation Request

Background:

As the result of official School Board action at its March 10, 2015 meeting, the Board respectfully requested that City Council appropriate funding as outlined in this report.

The Title I, Part D Detention Center Literacy Program 2014-15 grant of \$1,000 provides funds to support literacy initiatives at the Roanoke Valley Juvenile Detention Center. This program will be fully reimbursed by federal funds and will end September 30, 2016.

The Mentor Teacher Program 2014-15 grant of \$1,967 provides funding to support the division in enhancing its mentor teacher program. Funding is provided based on the number of teachers with zero years of teaching experience. This program is reimbursed 100% by state funds and will end June 30, 2015. This is an increase to the original award allocation. This is a continuing program.

The Governor's School 2013-14 represents funding of \$114,095 provided by the school districts and the Virginia Department of Education. The funding is for fiscal year 2013-2014. Students in the program learn about science, mathematics, and technology. This is an increase to the original award allocation.

The Foundation for Roanoke Valley provided a grant of \$2,000 from their Anne E. Craghead Charitable Fund for the needy to be used to purchase coats, gloves, hats, and scarves for the coat drive program in 2014-2015.

Recommended Action:

We recommend that Council concur with this report of the School Board and adopt the attached budget ordinance to establish revenue estimates and to appropriate funding as outlined.

Barbara A. Dameron
Director of Finance

Distribution: Council Appointed Officers
Rita D. Bishop, Superintendent, RCPS
P. Steve Barnett, Assistant Superintendent for Operations, RCPS
Kathleen M. Jackson, Acting Executive Director of Fiscal Services, RCPS

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to appropriate funding from the Federal government, the Commonwealth, local and private agency grants for various educational programs, amending and reordaining certain sections of the 2014-2015 School Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that the following sections of the 2014-2015 School Grant Fund Appropriations be, and the same are hereby, amended and reordained to read and provide as follows:

Appropriations

Instructional Supplies	302-110 -0000-1070 -134J -61100 -46614 -9-09	\$ 1,000
Professional Development Suppl.	302-210-3300 -0000 -362J -62140 -41129 -9-01	1,967
Teaching Staff	302-110-0000 -1170 -313H -61100 -41121-3-04	57,048
Retirement – VRS	302-110-0000 -1170 -313H -61410 -42202-3-04	28,524
Health Insurance	302-110-0000 -1170 -313H -61100 -42204-3-04	28,524
Miscellaneous	302-203-0000 -1000 -751J -62130 -45586 -9 -00	2,000

Revenues

Federal Grant Receipts	302 -000 -0000 -0000 -134J -00000-38010 -0 00	\$ 1,000
State Grant Receipts	302 -000 -0000 -0000 -362J -00000 -32291-0-00	1,967
Local Contribution	302 -000 -0000 -1170 -313H -00000 -33802-0-00	57,048
Other Finance Sources Local	302 -000- LMAT-1170-313H -00000 -72000-0-00	57,048
Other Agency Receipts	302 -000 -0000 -0000 -751J -00000-33808 -0-00	2,000

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

2015
LEGISLATIVE SESSION FINAL REPORT
CITY OF ROANOKE



Roanoke Legislative Priorities

- City Charter legislation passed (Senators Edwards and Stanley and Delegate Head)
- Qualified immunity for blood samples passed (Senator Edwards)
- Line of Duty Act legislation requires VRS and DHRM to review JLARC recommendations and return a report by October 1, 2015 to the General Assembly on how to modernize and pay for the Line of Duty Act benefits
- The Historic Rehabilitation Tax Credit was saved for another year; however, the bill sponsor (Hugo) intends to review all tax credits for the purpose of tax reform
- I-73 Transportation Compact created (Stanley)
- No legislation was passed that would harm passenger rail service returning to Roanoke
- Transit capital funding to increase by \$40 Million per year (HB 1887, Jones)



Roanoke Legislative Priorities, cont.

- We were able to secure a guarantee from the Department of Social Services that Sabrina's Place will be able to compete for anti-domestic violence grants (Rasoul)
- Legislation to allow localities ban plastic bags because they are a public nuisance passed the Senate 20-16, but was tabled in the House Commerce and Labor Committee (McWaters)
- Legislation that would repeal the requirement that City procurements must be published in the newspaper and instead require that procurements be published on Virginia's "eva.virginia.gov" Internet procurement portal was again defeated (Head)
- A new Juvenile and Domestic Relations Court judgeship was funded in the Roanoke Circuit



Public Education

- Legislation passed the House and was again defeated in the Senate Commerce and Labor Committee that would allow School Boards to set a start date prior to Labor Day
- Funding for K-12 was largely held harmless
- No effort was undertaken to create an Urban Schools Task Force to review the challenges, identify best practices and make recommendations for how to improve public education in Virginia's urban school districts; Sen. Edwards pointed out that this can be done via a Governor's Executive Order or by a decision by the Secretary of Education to create one



ROANOKE CITY
PUBLIC SCHOOLS

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Transportation Funding

- The General Assembly passed a completely new transportation funding policy (HB 1887, Jones)
- Among other provisions, the legislation:
 - establishes the high-priority projects program and the highway construction district grant program
 - this legislation replaces the \$500 million annual allocation made by the CTB and the 40-30-30 allocation formula to the primary, secondary, and urban highways with a new allocation of funds
 - Beginning July 1, 2020 after funds are set aside for maintenance of highways, the remaining funds are allocated in this manner:
 - 45% to state of good repair purposes (def: improvement of deficient pavement conditions and improvement of structurally deficient bridges)
 - 27.5% to the high priority projects program (def: projects of regional or statewide significance, such as projects that reduce congestion or increase safety, accessibility, environmental quality, or economic development)
 - 27.5% for the highway construction district grant program
 - The CTB will solicit projects and strategies from local governments for consideration in the applicable highway construction district's grant program
 - Projects and strategies will be screened, evaluated, and selected by the CTB according to the process established pursuant to subsection B of § 33.2-214.1 (HB 2) but shall be within a highway construction district and not outside such highway construction district
 - Projects and strategies from localities within a highway construction district shall be scored against projects and strategies within the same highway construction district
 - Only those candidate projects and strategies submitted by a locality shall be funded

State Budget Update, key items

- \$30 Million reversion for aid to localities was eliminated saving Roanoke about \$650,000
- Provides 2% pay increase for state supported local employees
- Budget funds state's share for a 1.5% pay increase for teachers and gives localities flexibility on when and how to fund their share of the pay raise
- Funds 4th Quarter per diems for state responsible prisoners in regional jails
- HB 599 (police department) funding restored to 2014 levels
- State reimbursement for regional jail construction, expansion or renovation was reduced from 50% to 25%
- State funded \$187 Million VRS payment to get VRS funded status to 90%
- Virginia Housing Trust Fund receives \$4 Million each budget year for affordable rental housing loans and grants
- Funds \$5 Million in FY 16 for 50% matching grants to localities to reduce stormwater runoff pollution
- Directs DRPT to study the ability of private operators (including TNCs such as Uber and Lyft) to provide paratransit services

Ethics Bill (Conflict of Interest Act)

- It is highly likely that Governor McAuliffe will offer amendments to the General Assembly passed bill (HB 2070 Gilbert, SB 1424 Norment)
- The bill includes:
 - \$100 cap on gifts – tangible and intangible – from lobbyists, companies or organizations that employ lobbyists or a business that does - or attempts to do - business with the state or a locality
 - The gift reporting threshold remains at \$50
 - Effective date is January 1, 2016
 - Exceptions to the gift cap:
 - Widely attended events (25 or more attendees, open to the public)
 - Gifts from personal friends, spouse (legislation creates a friend test)
 - Travel paid for by third parties (must first be approved by the Virginia Conflict of Interest and Ethics Advisory Council)
 - Other provisions impacting local government officials:
 - Official travel paid for by a locality is not a gift, it's official business
 - Out-of-State travel paid for by a locality must be reported
 - Local officials will file their forms locally, not with the Ethics Advisory Council

Public Safety vs. Privacy Issue

- HB 1673 (Anderson) and SB 965 (Peterson) restrict the use of technology to collect and maintain information outside of an investigation; the legislation:
 - Provides that unless a criminal or administrative warrant has been issued, law-enforcement and regulatory agencies shall not use surveillance technology to collect or maintain personal information where such data is of unknown relevance and is not intended for prompt evaluation and potential use respecting suspected criminal activity or terrorism by any individual or organization
 - authorizes law-enforcement agencies to collect information from license plate readers, provided such information is held for no more than seven days and is not subject to any outside inquiries or internal usage, except in the investigation of a crime or missing persons report; after seven days such collected information must be purged from the system unless it is being utilized in an ongoing investigation
 - adds to the definition of "personal information" vehicle license plate numbers and information that affords a basis for inferring an individual's presence at any place

Veto Session and Questions

- The General Assembly will reconvene on April 15, 2015 to address Governor McAuliffe's vetoes and amendments to the State Budget and all legislation.
- Questions about the Legislative Session or Other Issues?

Office of the Mayor

CITY OF  ROANOKE

Proclamation

WHEREAS, Billy Weitzenfeld will be retiring after sixteen years of service as the Executive Director of the Association of Energy Conservation Professionals;

WHEREAS, Billy is the Executive Director of the Sustainable Living Education Center in Floyd, Virginia; a past member of the U.S. Green Building Council, Southwest Virginia Chapter; a member of the Virginia Weatherization Policy Advisory Council, the Virginia State Corporation Commission Consumer Education Advisory Board, Sustain Floyd Resilient Virginia, and Rebuilding Together-Roanoke;

WHEREAS, Billy holds a Bachelor's Degree in Sociology from Old Dominion University; and is a Certified Home Energy Rater; and is highly respected amongst industry and government professionals for his diplomacy and consistency in handling difficult conversations concerning energy efficiency, weatherization and utilities;

WHEREAS, Billy was instrumental during the mid-1990's in developing state legislation that reallocated funds from the Department of Social Services Fuel Assistance Program to the State Weatherization Program resulting in recurring savings to citizens of the Commonwealth of Virginia who are in a low or moderate income status;

WHEREAS, through Billy's industrious efforts, the fifteen year, admission free, Green Living and Energy Expo that focused on energy efficiency, alternative energy education and attracted over 30,000 participants, including many school children from the area held at the Berghund Center was the first and longest running event of this type in the United States;

WHEREAS, Roanoke has developed a reputation for being one of the leading environmentally focused communities in Virginia, in part, due to the Green Living and Energy Expo and the tireless work of Billy; and

WHEREAS, the Roanoke City Administration and Billy's peers are grateful for his significant contributions toward reducing energy consumption for residents of Roanoke and Southwestern Virginia.

NOW, THEREFORE, I, David A. Bowers, Mayor of the City of Roanoke, Virginia, in recognition of his valuable service to the citizens of Roanoke, do hereby proclaim March 16 throughout this great, six-time All-America City, as

BILLY WEITZENFELD DAY.

Given under our hands and the Seal of the City of Roanoke this sixteenth day of March in the year two thousand and fifteen.

ATTEST:


Stephanie M. Moon Reynolds
City Clerk



David A. Bowers
Mayor



City COUNCIL AGENDA REPORT

To: Honorable Mayor and Members of City Council
Meeting: March 16, 2015
Subject: A request from Alvin Woods requesting that the alley located on the south side of Orange Avenue, N.E., between 11th Street, N.E., and 12th Street, N.E., adjoined by Official Tax Map Nos. 3050402, 3050403, 3050405, and 3050406, be permanently vacated, discontinued, and closed.

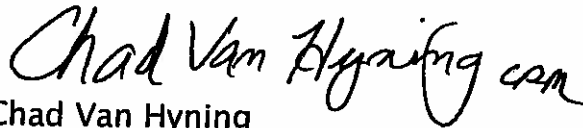
Recommendation:

The Planning Commission recommends vacation of the right-of-way as requested. The applicant should not be charged for the value of the right-of-way provided that certain streetscape improvements (curb, gutter and sidewalk) are installed. Vacation should be subject to the following conditions:

1. The applicant shall submit a subdivision plat to the Agent for the Planning Commission, receive all required approvals of, and record the plat with the Clerk of the Circuit Court for the City of Roanoke. Such plat shall combine all properties which would otherwise dispose of the land within the right-of-way to be vacated in a manner consistent with law, and retain appropriate easements for the installation and maintenance of any and all existing utilities that may be located within the right-of-way, including the right of ingress and egress. Such plat will not be approved until the applicant, or any person or entity associated with or on behalf of the applicant, has provided streetscape improvements consisting of curb, gutter and sidewalk installed in compliance with all applicable City standards, adjoining the applicant's properties on 11th and 12th Street, N.E., or has posted security acceptable to the City for the installation of such improvements. If the applicant fails to provide such streetscape improvements or post such security, the plat will be approved upon the payment of \$1,283.66.
2. Upon recording a certified copy of this ordinance with the Clerk of the Circuit Court of the City of Roanoke, Virginia, the applicant shall file with the Engineer for the City of Roanoke, Virginia, the Clerk's receipt, demonstrating that such recordation has occurred.

3. Upon meeting all conditions to the granting of the application, the applicant shall deliver a certified copy of this ordinance for recordation to the Clerk of the Circuit Court of Roanoke, Virginia, indexing the same in the name of the City of Roanoke, Virginia, as Grantor, and in the name of the petitioner, and the names of any other parties in interest who may so request, as Grantees. The applicant shall pay such fees and charges as are required by the Clerk to effect such recordation.
4. If the above conditions have not been met within a period of one year from the date of adoption of this ordinance, then such ordinance shall be null and void with no further action by City Council being necessary.

Respectfully submitted,

A handwritten signature in black ink that reads "Chad Van Hyning" followed by a stylized flourish.

Chad Van Hyning
Chair, Planning Commission

cc: Chris Morrill, City Manager
Daniel J. Callaghan, City Attorney
Steven J. Talevi, Assistant City Attorney

Application Information

<i>Request:</i>	Alley Vacation
Adjoining Owner/applicant	Alvin Woods
City Staff Person:	Frederick Gusler
Site Address/Location:	1113 11 th St, N.E.
Official Tax Nos. of adjoining properties:	3050402, 3040403, 3040405, 3040406
Site Area:	+/- 346 Square Feet
Existing Zoning:	CN, Neighborhood Commercial
Proposed Zoning:	CG, General Commercial, subject to concurrent rezoning
Existing Land Use:	Vacant building
Proposed Land Use:	Commercial, Used Auto Sales
Neighborhood Plan:	Hollins/Wildwood
Specified Future Land Use:	Commercial
Filing Date:	January 30, 2015

Background

Concurrent with this application, the applicant has applied to rezone the adjoining properties from CN, Neighborhood Commercial, to CG, General Commercial, with the intent of opening a motor vehicle sales and service establishment, used.

Considerations

The existing portion of alley is unimproved and dead ends at Official Tax Map No. 3050406. It appears the alley was platted with this configuration, or an adjoining portion was vacated long before Orange Avenue was widened. Regardless, the applicant intends to access the property off of 12th Street and the alley is not useful for access or City services.

The value of the property is \$1,283.66, based on the median value of the adjoining property's land. As part of the rezoning request, the applicant has proffered to install right-of-way improvements including curb, gutter, sidewalk and street trees on the three street frontages related to Official Tax Nos. 3050402, 3040403, 3040405, 3040406. The applicant will be required to submit the costs of the improvements to the City prior to the final review of the required plat combining the properties. The value of the improvements will be weighed against the total value of the property. It is expected that the value of the improvements will be greater than the value of the right-of-way to be vacated. The applicant will be required to pay any balance after the improvements have been accounted for.

Surrounding Zoning and Land Use:

	<i>Zoning District</i>	<i>Land Use</i>
<i>North</i>	I-1, Light Industrial	Commercial, Industrial
<i>South</i>	I-1, Light Industrial	Residential
<i>East</i>	CN, Neighborhood Commercial	Commercial
<i>West</i>	CG, General Commercial	Commercial

Compliance with the Zoning Ordinance:

The applicant has requested a rezoning of the adjoining properties. If approved, all of the properties and the vacated alley will be combined into one parcel, which will be more conducive to future use.

Conformity with the Comprehensive Plan and Neighborhood Plan:

Vision 2001-2020 encourages new development or revitalization of underused sites to conform to the general design principles found in City Design: The Plan's Unifying Theme. *Vision 2001-2020* also encourages traditional neighborhood design, which incorporates alleys and rear access. However, this alley is not suitable for vehicular access and no city services can use it.

Public Utilities:

No utility companies oppose the request.

City Department Comments:

Economic Development supports the request as the alley will assist the owner in putting the adjoining properties into use.

Public Comments:

None

Planning Commission Work Session:

None



STEPHANIE M. MOON REYNOLDS, MMC
City Clerk

**CITY OF ROANOKE
OFFICE OF THE CITY CLERK**

215 Church Avenue, S. W., Suite 456

Roanoke, Virginia 24011-1536

Telephone: (540) 853-2541

Fax: (540) 853-1145

E-mail: clerk@roanokeva.gov

JONATHAN E. CRAFT, CMC
Deputy City Clerk

CECELIA T. WEBB, CMC
Assistant Deputy City Clerk

January 27, 2015

RECEIVED

JAN 30 2015

**CITY OF ROANOKE
PLANNING BUILDING &
DEVELOPMENT**

Tina Carr, Secretary
City Planning Commission
Roanoke, Virginia

Dear Ms. Carr:

Pursuant to Chapter 30 - Streets and Sidewalks, Article I - In General, Section 30-14 - Procedure for altering or vacating city streets or alleys, fees therefor, Code of the City of Roanoke (1979), as amended, I am attaching copy of an Original Application for Street or Alley Vacation received in the City Clerk's Office on January 26, 2015, from Alvin Woods that the alley located on the south side of Orange Avenue, N. E., between 11th Street and 12th Street, N. E., specifically adjoining Official Tax Map Nos. 3050402, 3050403, 3050405 and 3050406, be permanently vacated, discontinued and closed.

Sincerely,

Stephanie M. Moon Reynolds, MMC
City Clerk

Enclosure

pc: The Honorable Mayor and Members of the Roanoke City Council
Alvin Woods, 1814 Hidden Forest Drive, Goodview, Virginia 24095
Susan S. Lower, Director, Real Estate Valuation
Philip C. Schirmer, City Engineer
Daniel J. Callaghan, City Attorney
Steven J. Talevi, Assistant City Attorney



APPLICATION STREET OR ALLEY VACATION

RECEIVED

JAN 30 2015

Date: January 26, 2015

To: Office of the City Clerk
Fourth Floor, Noel C. Taylor Municipal Building
215 Church Avenue, S.W.
Roanoke, VA 24011
Phone: (540) 853-2541 Fax: (540) 853-1145

CITY OF ROANOKE
PLANNING BUILDING &
DEVELOPMENT

☒ Original Application
☐ Amended Application
No. _____

All submittals must be typed and include all required documentation and a check for the filing fee.

Application is hereby submitted for street or alley vacation for the property located at:

Location and description of street or alley to be closed: The alley is located on the south side of Orange Avenue NE between 11th Street NE and 12 Street NE. Specifically it adjoins Tax Parcels 3050402, 3050403, 3050405 and 3050406. The alley is 10 ft. wide and fronts on the Orange Avenue right of way. The metes and bounds are as follows; beginning at a point N76deg. 09' 21"E 10.01', S17deg. 22'00"E 34.29', S72deg. 38'00"W 10.00' and N17deg. 22'00"W 34.90' to the point of beginning, containing 345.96 sf.
Ownership of all parcels is the same and will be combined.

Proposed use of vacated street or alley: The alley will be part of a larger 0.378 parcel, in which a Motor Vehicle Sales and Service Establishment, Used, will operate.

Name of Applicant/Contact Person: Mr. Alvin Woods

Mailing Address: 1814 Hidden Forest Drive Goodview, VA 24095

Telephone: () 540-890-2402 **Fax:** () 540-890-6968 **E-mail:** cars4u1081@yahoo.com

Applicant(s) signature(s):

☒ I have read, signed and dated the attached page outlining conditions required for a successful closure.

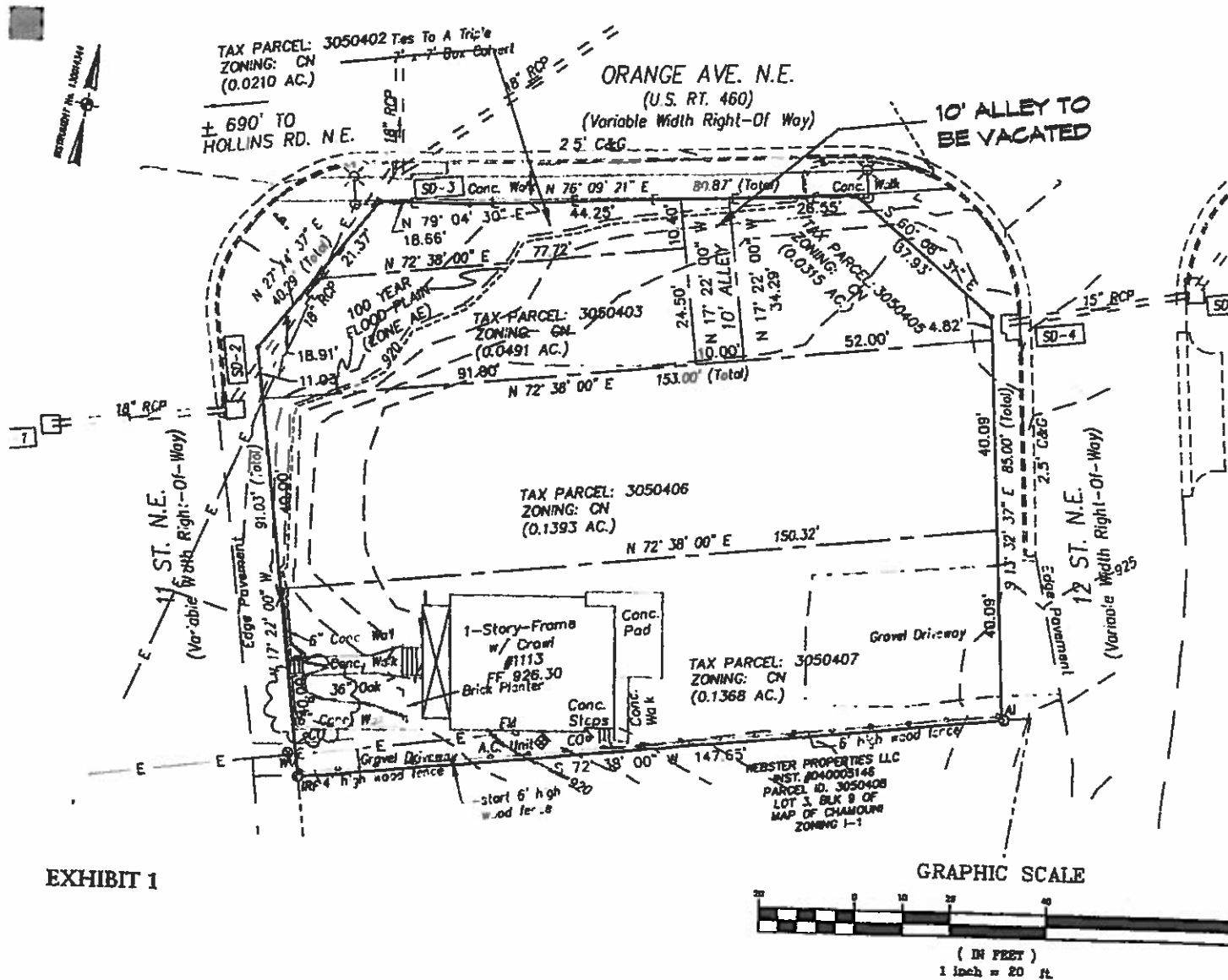


EXHIBIT 1

HUGHES
 ASSOCIATES
 ARCHITECTS
 & ENGINEERS

RECEIVED

JAN 30 2015

CITY OF ROANOKE
 PLANNING BUILDING &
 DEVELOPMENT

3050107

3050104

ORANGE

ORANGE

Subject Alley

3050402

3050403

3050406

3050407

3050408

3050409

3050412

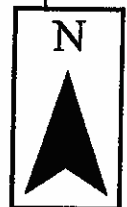
3050405

12TH

11TH

3050315

**Potential Alley Vacation:
Orange Ave, NE**



APPLICANT: Alvin Woods

LOCATION: 11th St, NE, Tax Nos. 3050402, 3050403, 3050406 & 3050405

REQUEST: Alley Vacation

Adjoining Property Owners

Tax No and Owner's Name and Address

3042137

MAY RAM LLC

6022 COLUMBIA PIKE

FALLS CHURCH VA 22041

3042142X

MAY RAM LLC

6022 COLUMBIA PIKE

FALLS CHURCH VA 22041

3050104

REED JERRY L

1116 ORANGE AVE NE

ROANOKE VA 24012

3050107

REED JERRY L

1116 ORANGE AVE NE

ROANOKE VA 24012

3050315

RACETRAC PETROLEUM INC

PO BOX 22845

OKLAHOMA CITY OK 73123

3050402

WOODS ALVIN FREDRICK

1814 HIDDEN FOREST DR

GOODVIEW VA 24095

3050403

WOODS ALVIN FREDRICK

1814 HIDDEN FOREST DR

GOODVIEW VA 24095

3050405

WOODS ALVIN FREDRICK

1814 HIDDEN FOREST DR

GOODVIEW VA 24095

3050406

WOODS ALVIN F & BONITA M

1814 HIDDEN FOREST DR

GOODVIEW VA 24095

3050407

WOODS ALVIN F & BONITA M

1814 HIDDEN FOREST DR

GOODVIEW VA 24095

3050408

WEBSTER PROPERTIES LLC

1000 COYNER SPRINGS RD

ROANOKE VA 24012

3050409

WEBSTER PROPERTIES LLC

1000 COYNER SPRINGS RD

ROANOKE VA 24012

3050501
HARPER RONNIE L & JOYCE T
1207 MCDOWELL AVE NE
ROANOKE VA 24012

3050515
FAIRMONT LLC
4029 HAZELRIDGE RD
ROANOKE VA 24012

3050525
TRENT CLAUDE W & DORA M
1207 MCDOWELL AVE NE
ROANOKE VA 24012

3050526
FAIRMONT LLC
4029 HAZELRIDGE RD
ROANOKE VA 24012

587
3/12/15

B. J.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE permanently vacating, discontinuing and closing a public right-of-way in the City of Roanoke located on the south side of Orange Avenue, N.E., between 11th Street, N.E., and 12th Street, N.E., as more particularly described hereinafter; and dispensing with the second reading of this ordinance by title.

WHEREAS, Alvin Woods filed an application with the Council of the City of Roanoke, Virginia ("City Council"), in accordance with law, requesting City Council to permanently vacate, discontinue and close a certain public right-of-way described hereinafter;

WHEREAS, the City Planning Commission, after giving proper notice to all concerned as required by §30-14, Code of the City of Roanoke (1979), as amended, and after having conducted a public hearing on the matter, has made its recommendation to Council;

WHEREAS, a public hearing was held on such application by City Council on March 16, 2015, after due and timely notice thereof as required by §30-14, Code of the City of Roanoke (1979), as amended, at which hearing all parties in interest and citizens were afforded an opportunity to be heard on such application;

WHEREAS, it appearing from the foregoing that the land proprietors affected by the requested closing of the subject public right-of-way have been properly notified; and

WHEREAS, from all of the foregoing, City Council considers that no inconvenience will result to any individual or to the public from permanently vacating, discontinuing and closing such public right-of-way.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke, Virginia, that the public right-of-way situate in the City of Roanoke, Virginia, and more particularly described as follows:

a 10 ft. wide and 35 ft. long alley located on the south side of Orange Avenue, N.E., between 11th Street, N.E., and 12th Street, N.E., adjoined by Official Tax Map Nos. 3050402, 3050403, 3050405, and 3050406,

be, and is hereby permanently vacated, discontinued and closed, and that all right and interest of the public in and to the same be, and hereby is, released insofar as City Council is empowered so to do with respect to the closed right-of-way, reserving however, to the City of Roanoke and any utility company or public authority, including, specifically, without limitation, providers to or for the public of cable television, electricity, natural gas or telephone service, an easement for sanitary sewer and water mains, television cable, electric wires, gas lines, telephone lines, and related facilities that may now be located in or across such public right-of-way, together with the right of ingress and egress for the maintenance or replacement of such lines, mains or utilities, such right to include the right to remove, without the payment of compensation or damages of any kind to the owner, any landscaping, fences, shrubbery, structure or any other encroachments on or over the easement which impede access for maintenance or replacement purposes at the time such work is undertaken; such easement or easements to terminate upon the later abandonment of use or permanent removal from the above-described public right-of-way of any such municipal installation or other utility or facility by the owner thereof.

BE IF FURTHER ORDAINED that closure of the subject right-of-way shall be subject to the following conditions:

1. That the applicant shall submit to the Subdivision Agent, receive all required approvals of, and record with the Clerk of the Circuit Court for the City of Roanoke, a subdivision plat, with such plat combining all properties which would otherwise dispose of the

land within the right-of-way to be vacated in a manner consistent with law, and retaining appropriate easements, together with the right of ingress and egress over the same, for the installation and maintenance of any and all existing utilities that may be located within the right-of-way.

2. Such plat shall not be approved until the applicant, or any person or entity associated with or on behalf of the applicant, has provided streetscape improvements consisting of curb, gutter and sidewalk, installed in compliance with all applicable City standards, adjoining the applicant's properties on 11th Street, N. E., and 12th Street, N. E., or has posted security acceptable to the City for the installation of such improvements.

3. If the applicant does not provide such streetscape improvements or post such security, the plat will be approved upon the payment to the City of Roanoke \$1,283.66.

BE IT FURTHER ORDAINED that the applicant shall, upon meeting all other conditions to the granting of the application, deliver to the Clerk of the Circuit Court of the City of Roanoke, Virginia, a certified copy of this ordinance for recordation where deeds are recorded in such Clerk's Office, indexing the same in the name of the City of Roanoke, Virginia, as Grantor, and in the name of the applicant, and the names of any other parties in interest who may so request, as Grantees, and pay such fees and charges as are required by the Clerk to effect such recordation.

BE IT FURTHER ORDAINED that the applicant shall, upon a certified copy of this ordinance being recorded by the Clerk of the Circuit Court of the City of Roanoke, Virginia, where deeds are recorded in such Clerk's Office, file with the City Engineer for the City of Roanoke, Virginia, the Clerk's receipt, demonstrating that such recordation has occurred.

BE IT FURTHER ORDAINED that if the above conditions have not been met within a period of one year from the date of the adoption of this ordinance, then such ordinance shall be null and void with no further action by City Council being necessary.

BE IT FINALLY ORDAINED that pursuant to the provisions of §12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



CITY COUNCIL AGENDA REPORT

To: Honorable Mayor and Members of City Council

Meeting: March 16, 2015

Subject: Application from Alvin and Bonita Woods to rezone property located at 1113 11th Street, N.E., bearing Official Tax No. 3050407; three unaddressed lots on 11th Street, N.E., bearing Official Tax Nos. 3050402, 3050403, and 3050406; and an unaddressed lot on Orange Avenue, N.E., bearing Official Tax No. 3050405. The application is to rezone the property from CN, Commercial-Neighborhood District, to CG, Commercial-General District, with a condition.

Recommendation

The Planning Commission held a public hearing on Monday, March 9, 2015. By a vote of 7 - 0 the Commission recommended approval of the rezoning request, finding that the Amended Application No.1 is consistent with the City's Comprehensive Plan and Zoning Ordinance as it combines and improves several underutilized and hard to develop parcels in a manner compatible with the surrounding area.

Application Information

Request:	Rezoning
Owner:	Alvin & Bonita Woods
Applicant:	Alvin & Bonita Woods
Authorized Agent:	N/A
City Staff Person:	Katharine Gray, Land Use and Urban Design Planner
Site Address/Location:	1113 11th Street, N.E.; three unaddressed lots on 11th Street, N.E.; and an unaddressed lot on Orange Avenue, N.E.
Official Tax Nos.:	3050407, 3050402, 3050403, 3050406, 3050405
Site Area:	Approximately 0.378 acres
Existing Zoning:	CN, Commercial - Neighborhood District
Proposed Zoning:	CG, Commercial - General District
Existing Land Use:	Vacant
Proposed Land Use:	Motor Vehicle Sales Establishment, Used
Neighborhood Plan:	Hollins/Wildwood Area Plan
Specified Future Land Use:	Neighborhood Commercial
Filing Date:	Original Application: Jan 22, 2015 Amended Application No.1: Feb 18, 2015

Background

In 1987 the subject property (containing five separate parcels) and surrounding properties to the east, west, and south were zoned Heavy Manufacturing while the properties to the north were zoned Light Manufacturing.

In 2005, the Zoning Map was comprehensively amended and the subject property and properties to the east were rezoned to CN, Commercial - Neighborhood District, while the properties to the north and south were rezoned to I-1, Light Industrial District. The property to the west was rezoned to CG, Commercial - General District.

In January of 2015, the owner filed an application to rezone the subject property from CN, to CG. The application included a development plan showing the combination of all five of the separate parcels in the subject property into a single parcel and the development of the new single parcel for a used motor vehicle sales establishment.

In February of 2015, the owner filed Amended Application No.1 in response to comments. The application includes a proffered condition regarding development of curb, gutter, and sidewalk on the subject property in place of the previous development plan.

Conditions Proffered by the Applicant

The applicant hereby agrees to proffer the following condition as it applies to Official Tax Number 3050402, 3050403, 3050405, 3050406, and 3050407.

1. Curb, gutter and sidewalk shall be constructed along 11th Street NE and 12th Street NE, adjacent to the subject properties, prior to issuance for any certificate of occupancy for any building on the site. Improvements shall comply with the Street Design Guidelines. Public right-of-way will be dedicated as required to allow for such improvements within the right-of-way.

Considerations

Surrounding Zoning and Land Use:

	Zoning District	Land Use
North	I-1, Light Industrial District	Motor vehicle repair or service establishment, Commercial motor vehicle sales & service (truck & trailer parts and service), Welding shop

South	CN, Neighborhood Commercial District, (one property) and I-1, Light Industrial District (majority)	Vacant, Single Family Dwelling (non-conforming use located in I-1 District), and Motor vehicle repair or service establishment
East	CN, Commercial-Neighborhood District, and I-1, Light Industrial District	Retail sales establishment, Commercial vacant, Single Family Dwelling (non-conforming use located in I-1 District)
West	CG, Commercial-General District	Gasoline station (vacant) and Nursery or greenhouse, commercial

Compliance with the Zoning Ordinance:

The minimum lot area for a used motor vehicle sales establishment is 15,000 square feet; the subject property provides approximately 16,000 square feet. Additionally, there are several supplemental regulations within the Zoning Ordinance that the development of the property must meet such as a landscaping strip along the adjacent right-of-way as well as requirements for location and construction of the vehicle display area. These items will be addressed during the development review process.

Conformity with the Comprehensive Plan and Neighborhood Plan:

Both Vision 2001-2020 and the Hollins/Wildwood Area Plan encourage the redevelopment of underused commercial sites in a manner appropriate to the surrounding area. At the same time, the plans note that the unnecessary expansion of commercial districts should be avoided to encourage the most efficient use of land in the existing districts.

Unlike most neighborhood commercial zoning districts that are surrounded by residential zoning districts, this area is surrounded by industrial zoning districts to the north and south with a general commercial zoning district to the west. Given that the purpose of the commercial neighborhood district is to encourage a concentration of neighborhood-scaled uses in an area in close proximity to residential neighborhoods, and the fact that there is no adjacent zoning district with residential properties as a conforming use within that district, a greater intensity in zoning classification is appropriate in this area and still meets the goal of minimizing the intensity of the zoning districts in certain areas along Orange Avenue.

The site is made up of several vacant commercial parcels, the majority which would be difficult to develop based upon their size and configuration. One parcel is approximately fourteen feet wide, a second is approximately twenty feet wide, and a third is a small triangular shape. The smallest parcels sit close to Orange Avenue and access to those parcels would allow less than one car length to the busy intersections. An undeveloped alley separates these parcels

and its vacation is the subject of a separate request. The proposed combination of these hard-to-develop lots with the two other parcels creates one larger lot with a greater potential for use in the future.

The plans encourage urban streetscape amenities with new development in this area. The application proffers curb, gutter, and sidewalk along two of the three frontages that are not improved to current City standards.

While any one of the above-mentioned items alone would not always lead to a recommendation to change the zoning district designation from neighborhood commercial to general commercial along a busy commercial corridor, the combination of distance from a residential zoning district, assembling multiple hard-to-develop vacant commercial properties, and site improvements that create a better streetscape do together address the overall goals of the plans and lead to such a recommendation in this case.

City Department Comments:

The following comment was reviewed with the Planning Commission and given to the applicant.

1. Recommend a written proffered condition in place of a proffered development plan for this site in order to address appropriate right-of-way improvements without restricting future development to a specific plan.

Public Comments:

Mr. Chris Craft of the Wildwood Civic League sent an email stating the Wildwood Civic League is against the rezoning as they do not want the area becoming another "used car alley like Williamson Road". He stated that there are already five used car dealerships from the Norfolk Southern railroad bridge that crosses Orange Ave heading east.

Planning Commission Work Session:

No specific comments related to the proposed rezoning. Commissioners stated that right-of-way improvement costs on the parcels should negate alley vacation (filed in a separate application) acquisition costs.

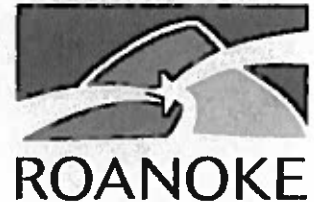
Planning Commission Public Hearing:

Mr. Chris Craft of the Wildwood Civic League stated the Wildwood Civic League is against the rezoning as they do not want the area becoming another Williamson Road with used car lots each block. He stated that there are already used car dealerships from the Norfolk Southern railroad bridge that crosses Orange Ave heading east and that existing owners are not selling cars.

Chad Van Hynning
Chad A. Van Hynning, Chair
City Planning Commission

cc: Chris Morrill, City Manager
R. Brian Townsend, Assistant City Manager
Chris Chittum, Director of Planning Building & Development
Ian Shaw, Planning Commission Agent
Daniel J. Callaghan, City Attorney
Steven J. Talevi, Assistant City Attorney
Alvin & Bonita Woods, Owner

Zoning Amendment Application



Department of Planning, Building and Development
Room 166, Noel C. Taylor Municipal Building
215 Church Avenue, S.W.
Roanoke, Virginia 24011
Phone: (540) 853-1730 Fax: (540) 853-1230

FEB 18 2015

CITY OF ROANOKE
PLANNING BUILDING &
DEVELOPMENT

[Click Here to Print](#)

Date: February 16, 2015

Submittal Number: Amended Application No. 1

Request (select all that apply):

- | | |
|---|---|
| <input type="checkbox"/> Rezoning, Not Otherwise Listed | <input type="checkbox"/> Amendment of Proffered Conditions |
| <input checked="" type="checkbox"/> Rezoning, Conditional | <input type="checkbox"/> Amendment of Planned Unit Development Plan |
| <input type="checkbox"/> Rezoning to Planned Unit Development | <input type="checkbox"/> Amendment of Comprehensive Sign Overlay District |
| <input type="checkbox"/> Establishment of Comprehensive Sign Overlay District | |

Property Information:

Address: 1113 11th St. NE, 0 11th St. NE, 0 11th St. NE, 0 11th St. NE, 0 Orange Avenue NE

Official Tax No(s): 3050407 3050402 3050403 3050406 3050405 (respectively)

Existing Base Zoning:

(If multiple zones, please manually enter all districts.)

CN, Commercial-Neighborhood

☐ With Conditions

☒ Without Conditions

Ordinance No(s). for Existing Conditions (if applicable):

Requested Zoning: CG, Commercial-General

☒ With Conditions

☐ Without Conditions

Proposed

Land Use:

Motor Vehicles Sales & Service, Used

Property Owner Information:

Name: Alvin and Bonita Woods

Phone Number: +1 (540) 890-2402

Address: 1814 Hidden Forest Drive Goodview, VA 24095

E-Mail: cars4u1081@yahoo.com

Property Owner's Signature:

Applicant Information (if different from owner):

Name:

Phone Number:

Address:

E-Mail:

Applicant's Signature:

Authorized Agent Information (if applicable):

Name: Hughes Associates Architects & Engineers (Mike Woolwine)

Phone Number: +1 (540) 342-4002

Address: P.O. Box 1034 Roanoke, VA 24005-1034

E-Mail: mwoolwine@hughesae.com

Authorized Agent's Signature:

Zoning Amendment Application Checklist



The following must be submitted for all applications:

- ☒ Completed application form and checklist.
- ☒ Written narrative explaining the reason for the request.
- ☒ Metes and bounds description, if applicable.
- ☒ Filing fee.

For a rezoning not otherwise listed, the following must also be submitted:

- ☐ Concept plan meeting the Application Requirements of item '2(c)' in Zoning Amendment Procedures.

For a conditional rezoning, the following must also be submitted:

- ☒ Written proffers. See the City's Guide to Proffered Conditions.
- ☒ Concept plan meeting the Application Requirements of item '2(c)' in Zoning Amendment Procedures. Please label as 'development plan' if proffered.

For a planned unit development, the following must also be submitted:

- ☐ Development plan meeting the requirements of Section 36.2-326 of the City's Zoning Ordinance.

For a comprehensive sign overlay district, the following must be submitted:

- ☐ Comprehensive signage plan meeting the requirements of Section 36.2-336(d)(2) of the City's Zoning Ordinance.

For an amendment of proffered conditions, the following must also be submitted:

- ☐ Amended development or concept plan meeting the Application Requirements of item '2(c)' in Zoning Amendment Procedures, if applicable.
- ☐ Written proffers to be amended. See the City's Guide to Proffered Conditions.
- ☐ Copy of previously adopted Ordinance.

For a planned unit development amendment, the following must also be submitted:

- ☐ Amended development plan meeting the requirements of Section 36.2-326 of the City's Zoning Ordinance.
- ☐ Copy of previously adopted Ordinance.

For a comprehensive sign overlay amendment, the following must also be submitted:

- ☐ Amended comprehensive signage plan meeting the requirements of Section 36.2-336(d) of the City's Zoning Ordinance.
- ☐ Copy of previously adopted Ordinance.

For a proposal that requires a traffic impact study be submitted to the City, the following must also be submitted:

- ☐ A Traffic Impact Study in compliance with Appendix B-2(e) of the City's Zoning Ordinance.

For a proposal that requires a traffic impact analysis be submitted to VDOT, the following must also be submitted:

- ☐ Cover sheet.
- ☐ Traffic impact analysis.
- ☐ Concept plan.
- ☐ Proffered conditions, if applicable.
- ☐ Required fee.

*An electronic copy of this application and checklist can be found at www.roanokeva.gov/pbd by selecting 'Planning Commission' under 'Boards and Commissions'. A complete packet must be submitted each time an application is amended, unless otherwise specified by staff.



TRANSMITTAL

DATE: February 16, 2015
COMM NO.: 14020
PROJECT: Rezoning for Al Woods

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TO: Ms. Katharine Gray, Architect

COPY:

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ADDRESS: City of Roanoke – Planning Department
215 Church Ave, SW – Room 165
Roanoke, VA 24011

CITY OF ROANOKE
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DEVELOPMENT

FROM: Mike Woolwine

RE: Amended Rezoning Application #1

COPIES	DATE	DESCRIPTION	SET #
1	February 16, 2015	Amended Rezoning Application #1 Packet	
1	January 22, 2015	24"x36" Concept Plan	

FEB18 15 9:49AM

COMMENTS:

Proffered Condition

The applicant hereby agrees to proffer the following condition as it applies to Official Tax Number 3050402, 3050403, 3050405, 3050406, and 3050407.

1. Curb, gutter and sidewalk shall be constructed along 11th Street NE and 12th Street NE, adjacent to the subject properties, prior to issuance for any certificate of occupancy for any building on the site. Improvements shall comply with the Street Design Guidelines. Public right-of-way will be dedicated as required to allow for such improvements within the right-of-way.

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**CITY OF ROANOKE
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NARRATIVE

The purpose of this request is to rezone Tax Parcels 3050402, 3050403, 3050405, 3050406 and 3050407 from CN to CG for the purpose of a used auto sales business. If rezoned, all parcels will be combined to create one parcel and an existing 10' alley will be vacated, resulting in a single 0.378 acre parcel (See Exhibit A). The current owner of the property is the applicant, Mr. Al Woods.

The proposed development will be owned and operated by Mr. Woods, who has been in the car sales business for over 37 years. Mr. Woods has operated ALARS, a used car dealership in Chamblissburg for over 24 years. Given Mr. Woods years of experience he is confident that the proposed Orange Avenue location will be successful. The proposed project includes; a 12 space used car display area, a 3 space parking area, a commercial entrance from 12th Street and remodeling the existing 1,100 sf. house to be used as the sales office (See Exhibit B). This business will be used for automobile sales only. No servicing of vehicles will be done onsite.

The option to create a commercial entrance from 11th Street was evaluated and the following should be noted; 1) the elevation difference between 11th Street and the existing floor elevation of the house is approximately 9 ft. resulting in an undesirable steep entrance grade into the body of the site. Conversely, the 12th Street entrance is about 18" below the floor elevation and can easily be accommodated. 2) the distance from the intersection of Orange Avenue to an 11th Street entrance would be approximately 70 ft., whereas, the 12th Street distance from Orange Ave. is approximately 95 ft., therefore, providing an additional 2 car stacking space. For verification I met onsite with Hung Liu of the Roanoke City Transportation Department and received a favorable response from him for the 12th Street entrance.

This property is situated within an area of the City that is predominately zoned Light Industrial District (I-1), Heavy Industrial District (I-2) and Commercial General District (CG). Specifically, the most adjacent properties are zoned I-1 to the north across Orange Avenue, CG to the west across 11th Street and Commercial Neighborhood District (CN) to the south and east across 12th Street. An evaluation of the zoning classifications within the proposed project neighborhood, that being the area bordered by Williamson Road to the west, Orange Avenue to the north, 13th Street to the east and Norfolk and Campbell Avenue to the south, (See Exhibit C) indicated no residentially zoned properties. Commonly found throughout the City and in the Comprehensive Plan CN districts are normally bordered by residentially zoned properties, however, not the case at this location. Most of the residentially zoned properties are east of 13th Street.

An approximate 5,300 acre area within the City was evaluated for where CN zoning districts are generally established. Seventeen CN zoned districts were identified within that area and sixteen of those districts adjoined residential districts. The only CN property that didn't adjoin a residential district is the subject property. (See Exhibit D). Furthermore, the properties within close proximity of this project are identified as brownfield sites by the city (See Exhibit E).

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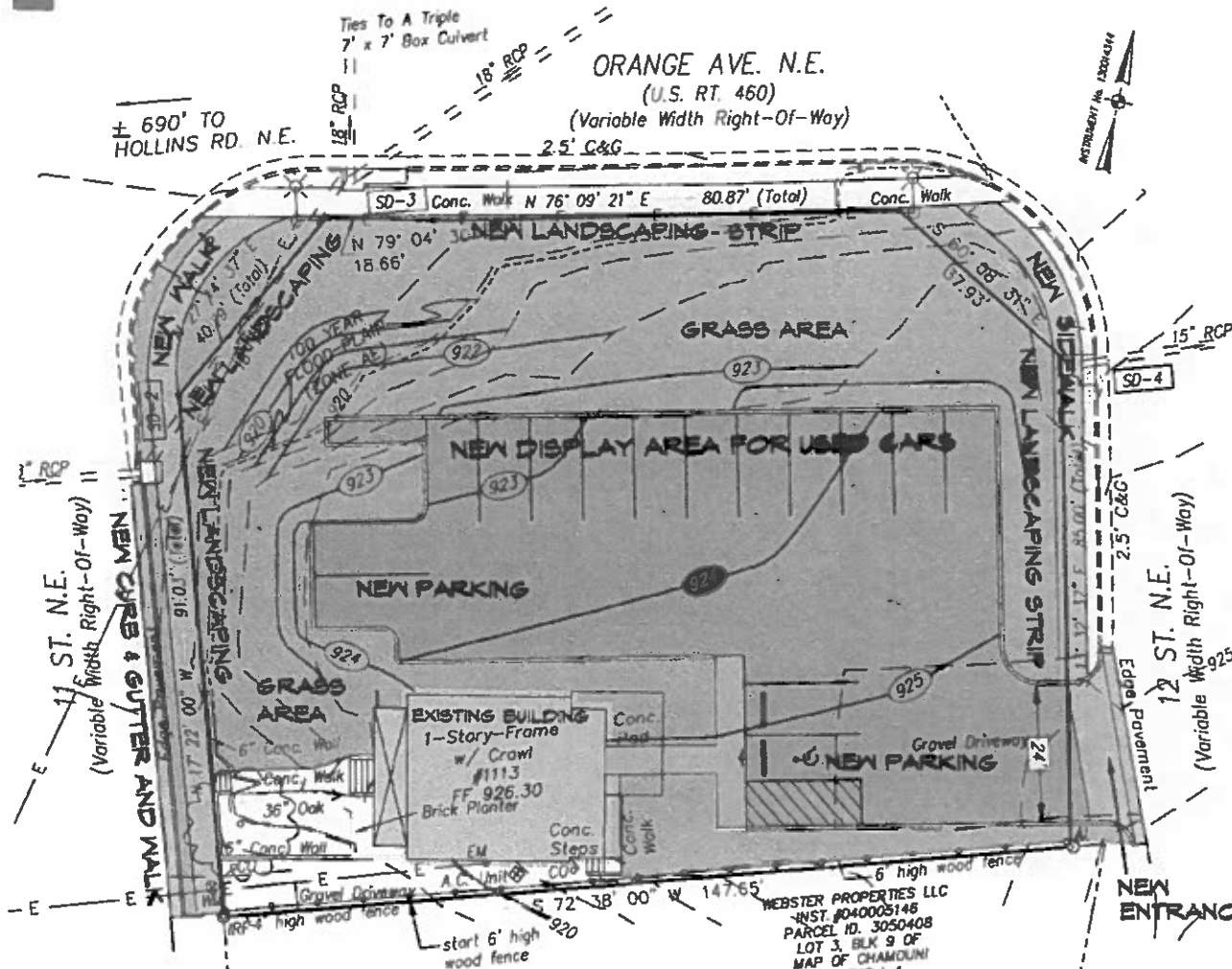
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Orange Avenue is a primary arterial road with a heavy traffic count, creating an ideal area for commercial development, which is already common along this corridor. The proposed project will enhance the aesthetics of the existing lot by providing landscaping along the street frontages of Orange Avenue, 11th Street and 12th Street. Additionally, new curb and gutter and sidewalk will be provided in front of the property along 11th Street from Orange Avenue. The sidewalk will provide pedestrian access to the front of the existing house. Also, sidewalk will be provided along 12th Street from Orange Avenue to the new site entrance. All utilities are already present and no additional demand will be required to accommodate this project.

The traffic generated at this site will be minimal given the limited size of the display area and the anticipated number of employees. Mr. Woods current car sales business located off Route 24 in Chamblissburg, displays approximately 40-50 vehicles and generates on average 4 to 5 customers per day, whereas, a heavy day may generate 10 customers. Given the size of the proposed Orange Avenue location and that is located on a road that generates a higher traffic volume than Route 24, it is anticipated that the number of customers per day will be similar to that of his existing business. The number of employees onsite will be two to three.

The CG zoning is an appropriate classification for this site based on the surrounding zoning districts, the predominantly heavy industrial use within the neighborhood and the commercial corridor in which the property is located. Also, by combining the five smaller parcels it creates a sizeable lot that is well suited for commercial use.



PROPERTY OWNER:	ALVIN F. & BONITA M. PEDDERS
PROPERTY ADDRESS:	1113 11TH ST NE, O.D.O 11 ST. NE & O Orange Ave. NE ROANOKE, VA 24013
TAX PARCEL:	3050401, 02, 03, 04 & 05 (respectively)
PROPERTY AREA:	0.375 AC. (10,466 SF.)
CURRENT ZONING:	CM
CURRENT USE:	VACANT HOUSE
PROPOSED REZONING:	CS
PERMITTED USE:	MOTOR VEHICLES SALES & SERVICE ESTABLISHMENT, USED
PROPOSED USE:	MOTOR VEHICLES SALES, USED

CS DIMENSIONAL REGULATIONS:	REQUIRED/ALLOWED	PROVIDED
MIN. LOT AREA:	10,000 SF.	10,466 SF.
MAX. LOT AREA:	130,680 SF.	10,466 SF.
MIN. LOT FRONTAGE:	100 FT.	225 FT.
MIN. FRONT YARD:	0 FT.	11TH ST. = 21.0 FT. 12TH ST. = 74.3 FT.
MAX. FRONT YARD:	30 FT.	11TH ST. = 21.0 FT. ORANGE AVE. = 81.4 FT.
MIN. SIDE YARD:	0 FT.	3.5 FT.
MIN. REAR YARD:	0 FT.	N/A
MAX. BLDG. HEIGHT:	45 FT.	1/2-18 FT.
MAX. FLOOR AREA RATIO:	5	0.06
MAX. IMPERVIOUS SURFACE:	25%	40%
PEDESTRIAN ACCESS:	REQUIRED	PROVIDED
MIN. TREE CANOPY:	10%	1/2-11%
MIN. TRANSPARENCY:		
GROUND FLOOR:	50%	11TH ST. = 21%
UPPER FLOOR:	20%	12TH ST. = 11%
		ORANGE AVE. = 6%
		N/A

SUPPLEMENTAL REGULATIONS:	REQUIRED/ALLOWED	PROVIDED
MIN. DISTANCE DISPLAY AREA FROM SIDE OR REAR PROPERTY LINE	5'	11'
LANDSCAPING STRIP ADJACENT TO RIGHT OF WAY	0'	0'
MIN. LOT AREA:	15,000 SF.	10,466 SF.

EMPLOYEE PARKING REQUIREMENTS:	
MINIMUM: 1 SPACE/150 SF. OF NET FLOOR AREA	
MAXIMUM: 150% OF THE MINIMUM REQUIRED SPACES	
REQUIRED:	
860/150 = 5.73	5 SPACES ALLOWED
MAX. SPACES: 4150% = 5 SPACES ALLOWED	
PROVIDED:	
STANDARD SPACES: 2 SPACES	
HANDICAP SPACES: 1 SPACE	
TOTAL SPACES: 3 SPACES	

LANDSCAPING REQUIREMENTS:

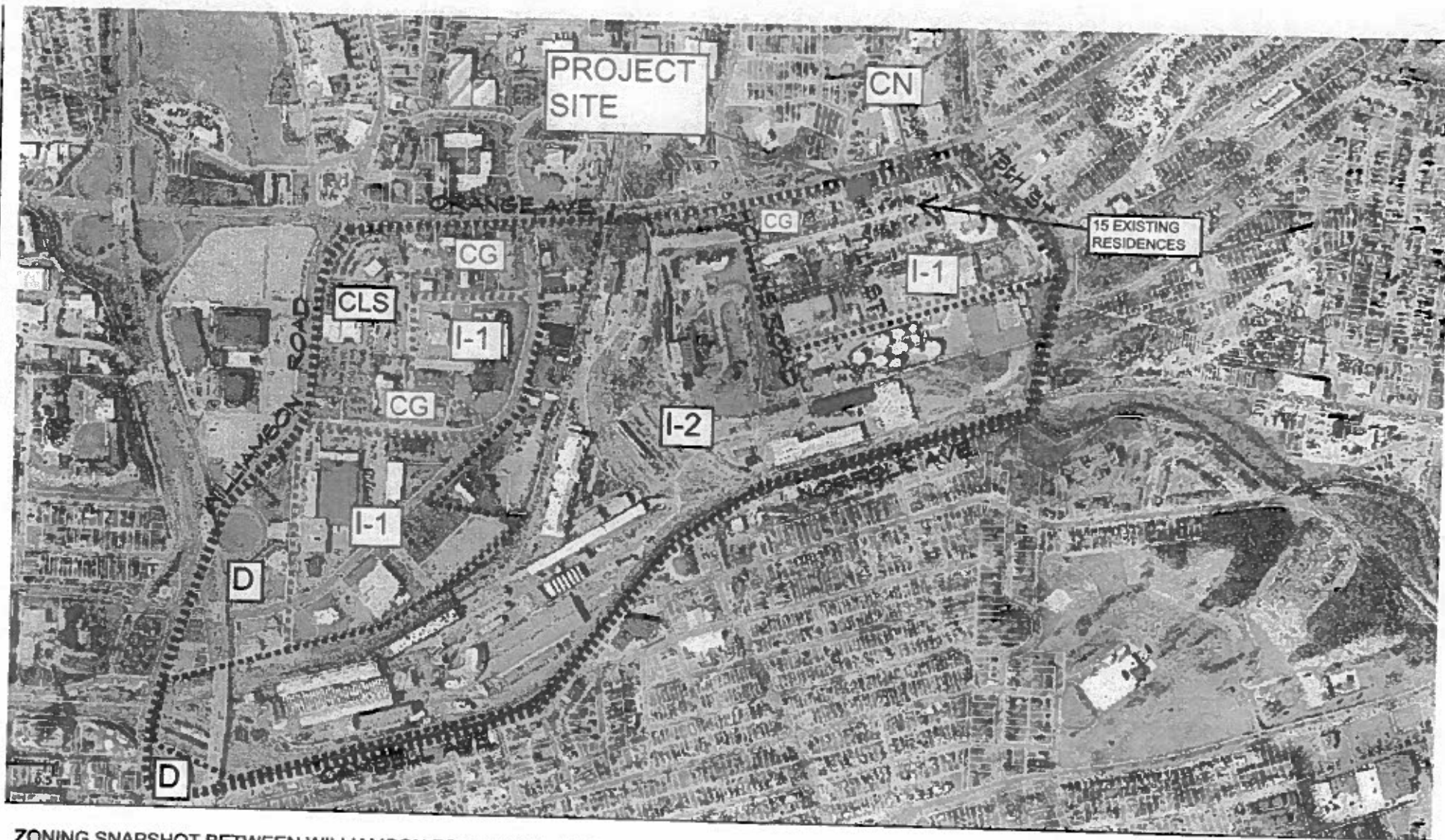
BUFFERING & SCREENING SHALL BE PER THE ZONING ORDINANCE IN EFFECT AT THE TIME THE COMPREHENSIVE PLAN IS SUBMITTED

Exhibit B
CONCEPT PLAN
January 22, 2015

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PLANNING BUILDING & DEVELOPMENT

HUGHES ASSOCIATES ARCHITECTS & ENGINEERS

Architects • Engineers • Planners
www.hughesarchitects.com



ZONING SNAPSHOT BETWEEN WILLIAMSON RD. AND 13th STREET

EXHIBIT C

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ZONING MAP

EXHIBIT D

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WILSON COUNTY
PLANNING BUILDING &
DEVELOPMENT



BROWNFIELD CORRIDOR SITE
EXHIBIT E



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



















CITY OF ROANOKE
PLANNING BUILDING &
PERMITTING DEPARTMENT

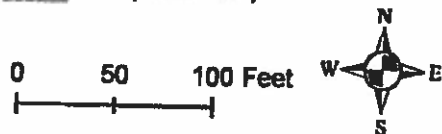
ZONING DISTRICT MAP

1113, 0, 0, 0 11th St. NE
and 0 Orange Ave. NE
Official Tax Parcels: 3050407,
3050402, 3050403, 3050406,
and 3050405 (respectively)

-  Area to be Rezoned
-  Conditional Zoning

Zoning

-  RA (Residential-Agriculture)
-  R-12 (Res. Single-Family)
-  R-7 (Res. Single-Family)
-  R-5 (Res. Single-Family)
-  R-3 (Res. Single-Family)
-  RM-1 (Res. Mixed Density)
-  RM-2 (Res. Mixed Density)
-  RMF (Res. Multi-Family)
-  CN (Commercial-Neigh)
-  CG (Commercial-General)
-  CLS (Commercial-Large Site)
-  I-1 (Light Industrial)
-  I-2 (Heavy Industrial)
-  D (Downtown)
-  MX (Mixed Use)
-  IN (Institutional)
-  ROS (Rec & Open Space)
-  AD (Airport Dev)
-  MXPUD (Mixed Use Planned Unit Dev)
-  INPUD (Institutional Planned Unit Dev)
-  IPUD (Industrial Planned Unit Dev)
-  UF (Urban Flex)



ST
3/12/15

B.2.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to rezone certain property located at 1113 11th Street, N.E., three (3) unaddressed lots on 11th Street, N.E., and one (1) unaddressed lot on Orange Avenue, N.E., from CN, Commercial-Neighborhood District, to CG, Commercial-General District, subject to certain conditions proffered by the applicant; and dispensing with the second reading of this ordinance by title.

WHEREAS, Alvin and Bonita Woods have made application to the Council of the City of Roanoke, Virginia ("City Council"), to have the property located at 1113 11th Street, N.E., bearing Official Tax Map No. 3050407; three (3) unaddressed lots on 11th Street, N.E., bearing Official Tax Map Nos. 3050402, 3050403, and 3050406; and one (1) unaddressed lot on Orange Avenue, N.E., bearing Official Tax Map No. 3050405, rezoned from CN, Commercial-Neighborhood District, to CG, Commercial-General District, subject to certain conditions;

WHEREAS, the City Planning Commission, after giving proper notice to all concerned as required by §36.2-540, Code of the City of Roanoke (1979), as amended, and after conducting a public hearing on the matter, has made its recommendation to City Council;

WHEREAS, a public hearing was held by City Council on such application at its meeting on March 16, 2015, after due and timely notice thereof as required by §36.2-540, Code of the City of Roanoke (1979), as amended, at which hearing all parties in interest

and citizens were given an opportunity to be heard, both for and against the proposed rezoning; and

WHEREAS, this Council, after considering the aforesaid application, the recommendation made to City Council by the Planning Commission, the City's Comprehensive Plan, and the matters presented at the public hearing, finds that the public necessity, convenience, general welfare and good zoning practice, require the rezoning of the subject property, and for those reasons, is of the opinion that the hereinafter described property should be rezoned as herein provided.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke that:

1. Section 36.2-100, Code of the City of Roanoke (1979), as amended, and the Official Zoning Map, City of Roanoke, Virginia, dated December 5, 2005, as amended, be amended to reflect that the property located at 1113 11th Street, N.E., bearing Official Tax Map No. 3050407; three (3) unaddressed lots on 11th Street, N.E., bearing Official Tax Map Nos. 3050402, 3050403, and 3050406; and one (1) unaddressed lot Orange Avenue, N.E., bearing Official Tax Map No. 3050405, be, and are hereby rezoned from CN, Commercial-Neighborhood District, to CG, Commercial-General District, subject to certain conditions proffered by the applicant, as set forth in the Zoning Amendment Amended Application No. 1 dated February 16, 2015.

2. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



CITY COUNCIL AGENDA REPORT

To: Honorable Mayor and Members of City Council

Meeting: March 16, 2015

Subject: Application by PR Homes, LLC to rezone the property located at 4414 Pheasant Ridge Road, S.W., bearing Official Tax No. 5460124; 4345 Griffin Road, S.W., bearing Official Tax No. 5470302; four unaddressed lots on Griffin Road, S.W., bearing Official Tax Nos. 5470301, 5470303, 5470304, 5470305; and three unaddressed lots on Van Winkle Road, S.W., bearing Official Tax Nos. 5470306, 5470307, 5470308. The application is to rezone the property from MXPUD, Mixed Use Planned Unit Development, to INPUD, Institutional Planned Unit Development.

Recommendation

The Planning Commission held a public hearing on Monday, March 9, 2015. By a vote of 7 - 0 the Commission recommended approval of the rezoning request, finding that the Amended Application No.2 is consistent with the City's Comprehensive Plan and Zoning Ordinance as it develops an undeveloped site, maximizes development potential of the site, and is sensitive to its relationship with the adjoining neighborhood.

Application Information

Request:	Rezoning
Owner:	PR Homes, LLC
Applicant:	PR Homes, LLC
Authorized Agent:	N/A
City Staff Person:	Katharine Gray, Land Use and Urban Design Planner
Site Address/Location:	4414 Pheasant Ridge Road, SW; 4345 Griffin Road, SW; four unaddressed lots on Griffin Road, SW; and three unaddressed lots on Van Winkle Road, SW
Official Tax Nos.:	5460124, 5470301, 5470302, 5470303, 5470304, 5470305, 5470306, 5470307, 5470308
Site Area:	Approximately 11.38 acres
Existing Zoning:	MXPUD, Mixed Use Planned Unit Development District
Proposed Zoning:	INPUD, Institutional Planned Unit Development District
Existing Land Use:	Vacant

<i>Proposed Land Use:</i>	Group Care Facility, Congregate Home Group Care Facility, Nursing Home Dwelling, Multifamily, Elderly
<i>Neighborhood Plan:</i>	Southern Hills Neighborhood Plan
<i>Specified Future Land Use:</i>	Mixed Density Residential and Single Family Residential
<i>Filing Date:</i>	Original Application: Jan 29, 2015 Amended Application No.1: Feb 18, 2015 Amended Application No. 2: Feb 19, 2015

Background

In August 2006, the property was rezoned from MX, MX(c) and R-7 to MXPUD. The development plan had six buildings housing 160 condominiums arranged along a driveway designed to appear as a street and included a future wellness center. In May 2007, an amendment of the Planned Unit Development Plan was approved. That amendment modified the previous development plan to add a large retaining wall and buffer strip with particular plantings to accommodate a stormwater conveyance channel along Griffin Road and Van Winkle Road.

In March 2013, the development plan for the MXPUD property was again amended. The new development plan had six buildings with 210 apartment units and a standalone clubhouse with a pool. The buildings were oriented along a driveway with retaining walls and surface parking. The large retaining wall along the Griffin Road and Van Winkle Road portion of the property was removed from this version of the plan. A traffic study was required due to the increase in the number of dwelling units and subsequent increase on traffic. After review, traffic engineering determined no changes to the surrounding public street system were needed for the development plan.

In January 2015, PRMC, LLC, filed an application to amend the Planned Unit Development Plan. The proposed development changes the six buildings with 210 apartment units and a standalone clubhouse with a pool to two buildings with 154 dwelling units. The buildings are oriented along a driveway with retaining walls and surface parking. The number of dwelling units included with the new plan decreased the projected traffic generated from the previous development plan; therefore, no traffic impact study was required.

In February 2015, PR Homes, LLC, filed Amended Application No. 1 and 2 to rezone the property from MXPUD to INPUD. The application revisions included minor changes in building, roadway, wall placement and text notations in the development plan.

Conditions Proffered by the Applicant

As an INPUD, the development plan attached to this amendment is binding for future development. Development standards are listed directly on the development plan.

Considerations

Surrounding Zoning and Land Use:

	Zoning District	Land Use
North	R-7, Residential Single-Family District	Vacant land and Single-family detached dwellings
South	MXPUD, Mixed Use Planned Unit Development District	Group Care Facility, Congregate Home; Multifamily dwellings, and Office
East	R-7, Residential Single-Family District	Single-family detached dwellings
West	CLS, Commercial-Large Site District and R-7, Residential Single-Family District	Retail sales establishments and Single-family detached dwellings

Compliance with the Zoning Ordinance:

For apartment use, the minimum lot area per dwelling unit is 1,800 square feet; the development plan provides 3,219 square feet per dwelling unit. The impervious surface ratio maximum is 80 percent; the development plan provides 33 percent. The minimum tree canopy requirement for the property is 10 percent.

Conformity with the Comprehensive Plan and Neighborhood Plan:

Both *Vision 2001-2020* and the *Southern Hills Neighborhood Plan* recognize the need for infill housing that is compatible with the surrounding area. The site is part of a larger mixed-use development that is bordered by commercial along U.S. Route 220 to the southwest and single-family residential to the northeast. The property is within a transition zone between the single-family residential to the northeast and the office and multifamily residential portions of the larger mixed-use development. The multiple parcels within the property contain vacant land and a single residential structure. The change in development plan will better reflect the transition from smaller single family residential to mixed use along the Griffin Road and Van Winkle Road portion of the property from the development plan that currently exists.

Relevant *Vision 2001-2020* policies:

- *EC P5. Trees.* Roanoke will maintain and increase its tree canopy coverage as a way to improve air quality. Roanoke will work

- regionally to promote tree planting and tree preservation Valley-wide.
- *NH P5. Housing Choice.* The City will have a balanced, range of housing choices in all price ranges and design options that encourage social and economic diversity throughout the City.
- *City Design*

Suburban neighborhoods

- Suburban neighborhoods are characterized by large lots (greater than 7,000 square feet), a variety of housing sizes and styles, deep front yard setbacks, wide curvilinear streets, and prominent driveways and garages. These neighborhoods developed after World War II as dependency on the automobile increased.
- *Design principles:*
 - New residential development should incorporate traditional neighborhood principles rather than suburban patterns.
 - *Traditional Neighborhood Design principles:*
 - All streets should have sidewalks and should be lined with trees. On-street parking should be encouraged; driveways and garages should be located to the side or rear of buildings.
 - Neighborhood schools and commercial centers should be preserved.
 - Houses should be consistent in terms of front yard setback and bulk.
 - Street improvements within suburban neighborhoods should focus on greater vehicular connection, pedestrian amenities, and reduction of pavement width.

Relevant *Southern Hills Neighborhood Plan* Policies:

Community Design Policies

- New commercial development must consider adjoining uses during site design. Compatibility should be addressed first by thoughtful site and building design rather than by screening alone. Commercial building fronts should be oriented very close to streets. Parking should be to the side or back of buildings. Parking lots should have generous amounts of interior landscaping and tree canopy coverage.

Residential Development Recommendations

- Support continued mixed density residential development in Pheasant Ridge and Southmont.
- Support new residential development that uses traditional urban neighborhood development patterns with urban amenities such as sidewalks and street trees. Such development should be encouraged through appropriate zoning and supporting infrastructure improvements. New developments should accommodate mixed densities (and incomes), and must preserve environmentally sensitive areas to the greatest extent possible.

Quality of Life Recommendations

- Ensure that new development preserves mature trees and incorporates new tree plantings to replace those lost during development.
- Encourage the use of clustered development to avoid development on steep slopes or near parkway lands. New development should design excess capacity in erosion control and stormwater management measures.

The proposed development plan achieves many of the policies noted above from the plans. It provides for the continued mixed density development at Pheasant Ridge. It provides for reforestation of the areas of land that are touched but not utilized by redevelopment. It provides for trees and sidewalks along the main drive. And the design is sensitive to the scale and materials of the properties around it through the stepping down in scale of the building closest to the smaller single family residential homes, by utilizing materials that are common in residential architecture, and by providing landscaping along the base of the retaining walls to mask their scale.

City Department Comments:

Comments included recommendations to clarify the notes on the development plan, rezoning to INPUD due to supplemental regulations regarding group care facilities, amending proposed uses to cover all the applicant's uses, extending the landscape buffer to include all areas where grading changes will occur in the buffer, and moving the proposed dumpster enclosure from within the 30' landscape buffer.

Public Comments:

Mr. Don Bruster, Director for the Board of Directors, Pheasant Ridge Condo Owners Association, submitted a letter of support from the Association for the

rezoning request stating that the proposed memory care facility would be a compliment to the overall neighborhood.

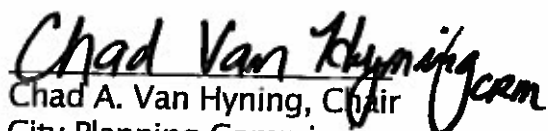
Planning Commission Work Session:

Commissioners questioned the scale of the buildings, the materials listed compared to those in the majority of the Pheasant Ridge development, the existing uses within Pheasant Ridge, and whether there had been public comment to date.

Planning Commission Public Hearing:

Four people spoke regarding the proposed rezoning. The people who spoke against the changes cited concern for the proximity of this development to the existing development on Pheasant Ridge, particularly the assisted living aspect of the proposed development. The concerns being that the assisted living portion of the development is similar in nature to the existing development as well as a lack of a traffic analysis for this specific use, current difficulty in access to the Pheasant Ridge property, and the probable increase of emergency services required. The people who spoke in favor of the changes cited the need for additional memory care services within the area.

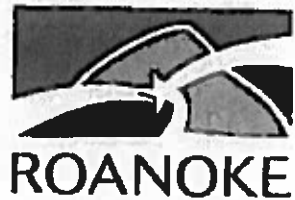
Staff notes that the need for a traffic impact analysis was reviewed by the Transportation Department and was not needed due to existing traffic impact analyses from previous rezonings/plan amendments. That is, the decrease in the number of proposed dwelling units from the previous proposal, the type of traffic expected to be generated by the type of dwelling units, and the anticipated decrease in traffic from the currently approved PUD plan.


Chad A. Van Hyning, Chair
City Planning Commission

cc: Chris Morrill, City Manager
R. Brian Townsend, Assistant City Manager
Chris Chittum, Director of Planning Building & Development
Daniel J. Callaghan, City Attorney
Steven J. Talevi, Assistant City Attorney
Hunter D. Smith, PR Homes, LLC
Aubury Holmes, Smith/Packett

Zoning Amendment Application

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Department of Planning, Building and Development
Room 166, Noel C. Taylor Municipal Building
215 Church Avenue, S.W.
Roanoke, Virginia 24011
Phone: (540) 853-1730 Fax: (540) 853-1230

FEB 19 2015

CITY OF ROANOKE
PLANNING BUILDING &
DEVELOPMENT

[Click Here to Print](#)

Date: 2-19-15

Submittal Number: Amended Application No. 2

Document (check all that apply)

- | | |
|---|---|
| <input type="checkbox"/> Rezoning, Not Otherwise Listed | <input type="checkbox"/> Amendment of Proffered Conditions |
| <input type="checkbox"/> Rezoning, Conditional | <input type="checkbox"/> Amendment of Planned Unit Development Plan |
| <input checked="" type="checkbox"/> Rezoning to Planned Unit Development | <input type="checkbox"/> Amendment of Comprehensive Sign Overlay District |
| <input type="checkbox"/> Establishment of Comprehensive Sign Overlay District | |

Property Information:

Address: Pheasant Ridge Road Roanoke, VA 24014

Official Tax No(s): 5460124, 5470301, 5470302, 5470303, 5470304, 5470305, 5470306, 5470307 and 5470308

Existing Base Zoning: MXPUD, Mixed Use Planned Unit Development ☐ With Conditions
(If multiple zones, please manually enter all districts.) ☐ Without Conditions

Ordinance No(s), for Existing Conditions (If applicable):

Requested Zoning: INPUD, Institutional Planned Un ☐ With Conditions Proposed Land Use:
☐ Without Conditions

Property Owner Information:

Name: PR Homes, LLC Phone Number: +1 (540) 774-7762

Address: 4423 Pheasant Ridge Road Suite 301 Roanoke, VA 24014 E-Mail: aholmes@smithpackett.com

By: H
Property Owner's Signature: Hunter D. Smith, Vice Chairman Manager

Applicant Information (if different from owner):

Name: Phone Number:

Address: E-Mail:

Applicant's Signature:

Authorized Agent Information (if applicable):

Name: Phone Number:

Address: E-Mail:

Authorized Agent's Signature:

Signature Page to Zoning Amendment Application

Tax Map No.: 5461024

Property Address: 4414 Pheasant Ridge Road, SW

Tax Map No.: 5470301

Property Address: 0 Griffin Road, SW

Tax Map No.: 5470302,

Property Address: 4345 Griffin Road, SW,

Tax Map No.: 5470303,

Property Address: 0 Griffin Road, SW,

Tax Map No.: 5470304,

Property Address: 0 Griffin Road, SW,

Tax Map No.: 5470305,

Property Address: 0 Griffin Road, SW,

Tax Map No.: 5470306,

Property Address: 0 Van Winkle Road, SW,

Tax Map No.: 5470307

Property Address: 0 Van Winkle Road, SW

Tax Map No.: 5470308,

Property Address: 0 Van Winkle Road, SW,

Signature of Owner:

PR Homes, LLC *

By 

Is: Special manager Hunter D. Smith

Signature of Applicant:

PRMC, LLC

By 

Is: Special Manager Hunter D. Smith

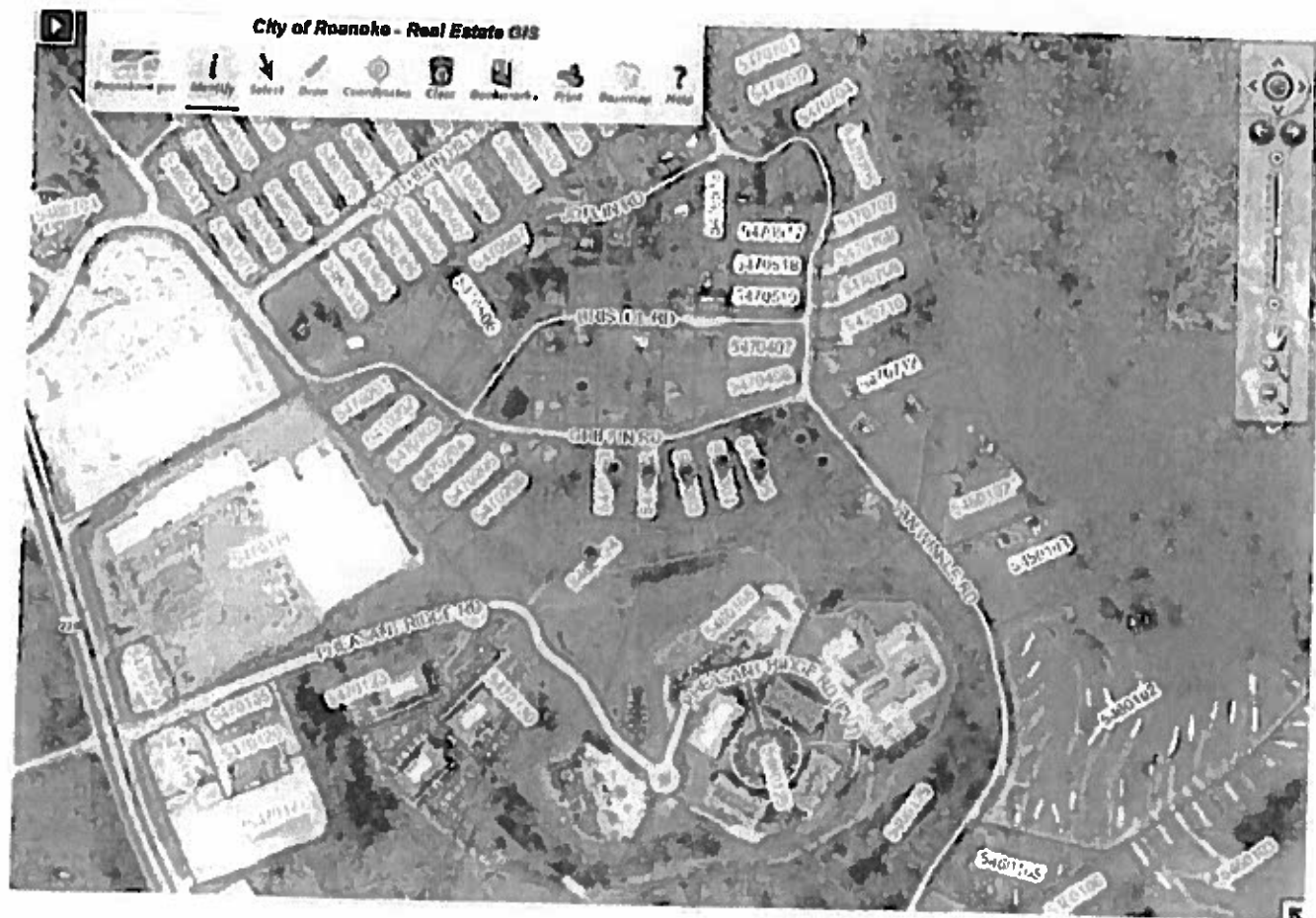
RECEIVED

JAN 29 2015

CITY OF ROANOKE
PLANNING BUILDING &
DEVELOPMENT

- * PR Homes, LLC succeeded to the ownership of real estate or any interest in real estate pursuant to merger with A&J Holdings, LLC, Dalton Place, LLC, Van Winkle, LLC, Integra Investment, LLC and Pheasant Ridge Holders, LLC effective as of December 31, 2008. A copy of the certification from the Virginia State Corporation Commission is attached evidencing the same

Location Map



Adjoining Property Owners

Owner	Property Address	Tax ID	Mailing Address
Paige Paul Andrew & Joy Faye	4323 Griffin Rd SW	5470206	4323 Griffin RD SW Roanoke, VA 24014
PR Homes LLC	0 Griffin RD SW	5470413	4423 Pheasant Ridge Rd Suite 301 Roanoke VA 24014
DNAL Holdings I LLC	4334 Griggin RD SW	5470412	4423 Pheasant Ridge Rd Suite 301 Roanoke VA 24014
DNAL Holdings I LLC	0 Griffin Rd SW	5470411	4423 Pheasant Ridge Rd Suite 301 Roanoke VA 24014
Claytor Henry J JR & Carolyn D	4350 Griffin RD SW	5470410	4350 Griffin Rd SW Roanoke VA 24014
TRS First Baptist Church	0 Griffin RD SW	5470409	310 N Jefferson St Roanoke, VA 24016
Webb Richard B JR	4372 Griffin RD SW	5470408	4372 Griffin RD SW Roanoke, VA 24000
Paige Paul Andrew & Joy Faye	4404 Van Winkle RD SW	5470712	4323 Griffin RD SW Roanoke, VA 24014
Muse Ruby Marie	4422 Van Winkle RD SW	5470713	4422 Van Winkle RD SW Roanoke, VA 24014
Edwards Gloria M	4437 Van Winkle RD SW	2470310	4437 Van Winkle RD SW Roanoke, VA 24014
Roanoke iL Investors, LLC	4428 Pheasant Ridge RD SE	5460165	4423 Pheasant Ridge RD SW Suite 301 Roanoke, VA 24014
Pheasant Ridge Office Buildings LLC	4423 Pheasant Ridge RD SW	5470130	4423 Pheasant Ridge RD SW Suite 301 Roanoke, VA 24014
Pheasant Ridge Office Buildings LLC	4419 Pheasant Ridge RD SW	5470129	4423 Pheasant Ridge RD SW Suite 301 Roanoke, VA 24014
Ventas Pheasant Ridge LLC	4435 Pheasant Ridge RD SW	5460130	21001 N Tatum BLVD STE 1630-630 Phoenix, AL 85050
Brixmor GA Apollo I Sub Holdings LLC	4210 Franklin RD SW	5470116	PO Box 4900 Dept 124 Scottsdale, AZ 85261
Rye Charles W	4384 Van Winkle RD SW	5470711	4324 Van Winkle RD SW Roanoke, VA 24014

**Amendment Rezoning Application
Supporting Documents**

**Tax No. 5460124, 5470301, 5470302, 5470303,
5470304, 5470305, 5470306, 5470307 and 5470308**

City of Roanoke, Virginia

Project Name: Pheasant Ridge Memory Care

**Project Location: Pheasant Ridge Road, Roanoke,
Virginia**

Proposed Zoning: INPUD

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Legal Description

BEGINNING at an existing iron pin lying on the northerly right-of-way of the terminus of Pheasant Ridge Road, SW, a variable width public right-of-way, and Pheasant Ridge Road, SW, a 40-foot private right-of-way, common corner of the property of Brixmor GA Apollo I SUB Holdings, LLC (Instrument # 120009239) and the herein described tract; thence leaving the said northerly right-of-way of Pheasant Ridge Road, SW and with the common line of the aforesaid property of Brixmor GA Apollo I SUB Holdings, LLC the following two (2) courses; N 38° 34' 31" W for a distance of 79.17 feet to an existing iron pin; thence N 38° 28' 51" W for a distance of 81.27 feet to an existing iron pipe at the corner of the property of Paul Andrew Paige and Joy Faye Paige (Instrument # 0020005882); thence leaving the said property of Brixmor GA Apollo I SUB Holdings, LLC and with the line of the aforesaid property of Paul Andrew Paige and Joy Faye Paige the following four (4) courses; N 51° 32' 17" E for a distance of 207.12 feet to an existing iron pipe; thence N 49° 35' 04" E for a distance of 311.79 feet to a point; thence N 42° 58' 32" W for a distance of 6.89 feet to a point; thence with a curve to the right having a delta angle of 135° 00' 00", a radius of 14.50 feet, a chord bearing and distance of N 24° 31' 28" E, 26.79 feet to a point on the southerly right-of-way of Griffin Road, SW, a 50-foot public right-of-way; thence leaving the said property of Paul Andrew Paige and Joy Faye Paige and with the southerly right-of-way line of Griffin Road, SW the following four (4) courses; S 87° 58' 32" E, passing an existing iron pin at a distance of 154.37 feet, a total distance of 275.04 feet to a point; thence with a curve to the left having a delta angle of 19° 24' 50", a radius of 116.80 feet, a chord bearing and distance of N 82° 17' 53" E, 39.39 feet to a point; thence N 72° 35' 28" E, passing an existing iron pin at a distance of 141.04 feet and passing an existing iron pin at a distance of 230.95 feet, a total distance of 344.46 feet to a point; thence with a curve to the right having a delta angle of 68° 49' 43", a radius of 73.21' feet, a chord bearing and distance of S 72° 59' 40" E, 82.75 feet to a point at the southwesterly intersection of the said Griffin Road, SW and the westerly right-of-way of Van Winkle Road, SW, a 50-foot public right-of-way; thence leaving the southerly right-of-way of the said Griffin Road, SW and with the aforesaid westerly right-of-way of Van Winkle Road, SW, S 38° 34' 49" E for a distance of 220.07 feet to corner of Lot 10A, Block 11, Section 2, Southern Hills (Map Book 1, Page 3423), the property of Gloria M. Edwards (Instrument #140000594); thence leaving the said westerly right-of-way of Van Winkle Road and with the northwesterly line of the aforesaid property of Gloria M. Edwards, S 51° 15' 28" W for a distance of

199.80 feet to a point on the northeasterly line of the property of Roanoke IL Investors, LLC (Instrument # 120005370); thence leaving the said property of Gloria M. Edwards and with the line of the aforesaid property of Roanoke IL Investors, LLC the following four (4) courses; N 38° 31' 22" W for a distance of 50.45 feet to an existing iron pin; thence S 44° 05' 23" W for a distance of 199.10 feet to a point; thence S 63° 46' 17" W for a distance of 372.94 feet to a point; thence S 23° 35' 16" W for a distance of 354.15 feet to a point on the northerly right-of-way of the aforesaid Pheasant Ridge Road, SW (private 40' right-of-way); thence leaving the said property of Roanoke IL Investors, LLC and with the northerly right-of-way line of the aforesaid Pheasant Ridge Road, SW (private 40' right-of-way) the following seven (7) courses; N 27° 24' 40" W for a distance of 57.33 feet to a point; thence with a curve to the left having a delta angle of 24° 44' 04", a radius of 230.00 feet, a chord bearing and distance of N 39° 46' 42" W, 98.52 feet to a point; thence N 52° 08' 44" W for a distance of 68.27 feet to a point; thence with a curve to the right having a delta angle of 34° 29' 37", a radius of 105.00 feet, a chord bearing and distance of N 34° 53' 56" W, 62.26 feet to a point; thence N 17° 39' 07" W for a distance of 31.00 feet to a point; thence with a curve to the left having a delta angle of 91° 34' 57", a radius of 130.00 feet, a chord bearing and distance of N 63° 26' 35" W, 186.37 feet to a point; thence S 70° 45' 56" W for a distance of 8.37 feet to an existing iron pin, the POINT OF BEGINNING, containing 11.3763 acres.

Narrative

Description of Proposed Use and Development

The purpose of the requested rezoning application to INPUD is to permit the Applicant to construct group care facility, congregate home, elderly group care facility, nursing home dwelling, multifamily, elderly on those certain tracts of real property designated as tax parcel numbers 5460124, 5470301, 5470302, 5470303, 5470304, 5470305, 5470306, 5470307, 5470308, containing, in the aggregate, approximately 11.38 acres (collectively, the "Property"). It is anticipated that there will be a sixty four (64) unit memory care building and a ninety (90) unit assisted living building all as shown on the Development Plan attached hereto. The exterior recreational amenities will include internal walkways that tie into the existing walkways on adjacent parcels.

All infrastructure will be planned and constructed as required by the applicable City, state and federal laws and regulations. In addition to applicable code requirements, the site development standards for building placement, parking locations, pedestrian paths, impervious areas and architectural elements will be governed by the development standards shown on the Development Plan. To the extent the proposed development impacts trees or landscaping on any adjacent parcels, the Applicant shall return any impacted areas to substantially the same condition that existed prior to any development.

Justification for Change

The Property was rezoned to MXPUD, Mixed Use Planned Unit Development, in August of 2006 to permit the construction of upscale condominiums. The 2006 Development Plan included six (6) buildings containing one hundred and sixty (160) condominiums with a portion of the parking serving the development to be located beneath the buildings. In 2007, the approved MXPUD was amended to permit a variable width buffer behind the proposed retaining wall to accommodate a storm water conveyance channel. In 2013 the Development Plan was amended to include 6 multifamily building and a clubhouse with surface parking to serve the buildings.

Both memory care and assisted living facilities will meet an ever-increasing need in the community to provide safe, affordable housing to our aging population. The proposed use will complement the existing senior housing Pheasant Ridge Community. As Pheasant Ridge residents continue to age, the new memory care and assisted living facilities will help to meet the continuum of care necessary to provide seniors the ability to stay within the same community that they have become accustomed to.

Based on the foregoing, Applicant requests the modification to the existing zoning ordinances to enable new apartments to be constructed on the Property in accordance with this Application.

Impact to Surrounding Neighborhood

The rezoning request will not significantly impact the surrounding areas from the current zoning.

Based on this requested change in use, there would be a moderate decrease in traffic flow in and out of the community as it is unlikely that residents of the memory care and assisted living facilities will have access to or regularly use personal vehicles for travel. However, as noted in 2006, a portion of the Property was previously zoned for office use and the change to condominiums had previously lessened the traffic impact. In 2013, the property was zoned for multifamily use. That remains the case under the proposed amendment. In addition, there remains no connection with Griffin Road or Van Winkle Road.

The location of the buildings and the decreased surface parking reflected on the Development Plan will create minor visual changes and the Applicant has revised the Development Plan to reduce the impact. Specifically, the Applicant has significantly reduced the overall number of parking spaces as well as reduced the size of the retaining walls viewed from Griffin Road, while the landscaping along the retaining wall remains. Additionally, because the proposed use is for senior housing and care facilities, there will be no net gain in terms of students entering local schools.

Availability of other similarly zoned properties in the area

The availability of similarly zoned properties in the general area is virtually nonexistent. There have been no new senior housing communities in the City for many years, and the proposed new memory care and assisted living facilities will help to meet the growing need of the senior population in our community.

Relationship to the City's Comprehensive Plan and the Southern Hills Neighborhood Plan

The requested changes to the existing ordinances are generally consistent with the Vision 2001-2012 Comprehensive Plan and the Southern Hills Neighborhood Plan based on the following:

1. The proposed land use is consistent with the future land use plan identified in the Comprehensive Plan and will contribute to Roanoke's overall housing mix by providing senior housing.
2. The Development Plan shows a connectivity with the Pheasant Ridge Community through a walking trail and complimentary exterior elevations.
3. The requested amendment supports the continued mixed density of the overall development of Pheasant Ridge.
4. The proposed plan has sidewalks with landscaping provided between curb and sidewalk, and the walking trails connect the development to adjacent parcels.
5. Although there is no connectivity to Griffin Road and Van Winkle Road, these rural roads are narrow with no sidewalks or areas for pedestrians to safely traverse and cannot handle any

additional capacity. The benefit of having a connection is negated by the addition of traffic on streets that cannot safely support the added traffic.

6. The Applicant has modified its plan to the extent reasonably possible to limit the construction on steep slopes and will design the development to ensure adequate erosion control and stormwater management measures.

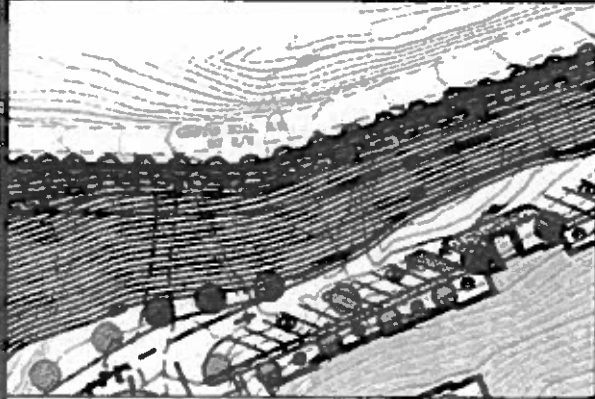
Exhibits

Development Plan

See Exhibit A-1 attached

Stormwater Conveyance Channel

See Exhibit A-2 attached



NOTE:
THIS EXHIBIT IS FOR ILLUSTRATIVE PURPOSES ONLY.
THE FINAL LOCATION AND SPECIES OF PLANT MATERIALS
WILL BE ESTABLISHED WITH THE SITE DEVELOPMENT
PLANS, AND ARE SUBJECT TO THE REVIEW AND
APPROVAL OF ROANOKE CITY STAFF.

SECTION LOCATION

LARGE DECIDUOUS TREES INCLUDING,
BUT NOT LIMITED TO, RED MAPLE,
SUGAR MAPLE, BLACK GUM, WILLOW
OAK, AND RIVER BIRCH. PLANTING
SHALL BE IN A RANDOM SEQUENCE.

PROPERTY LINE

30' BUFFER

GRIFFIN ROAD

5.0'

IMPROVED EXISTING
STORMWATER CONVEYANCE
CHANNEL WITH EC-3
MATTING & GRASS LINING

EXHIBIT "A-2"



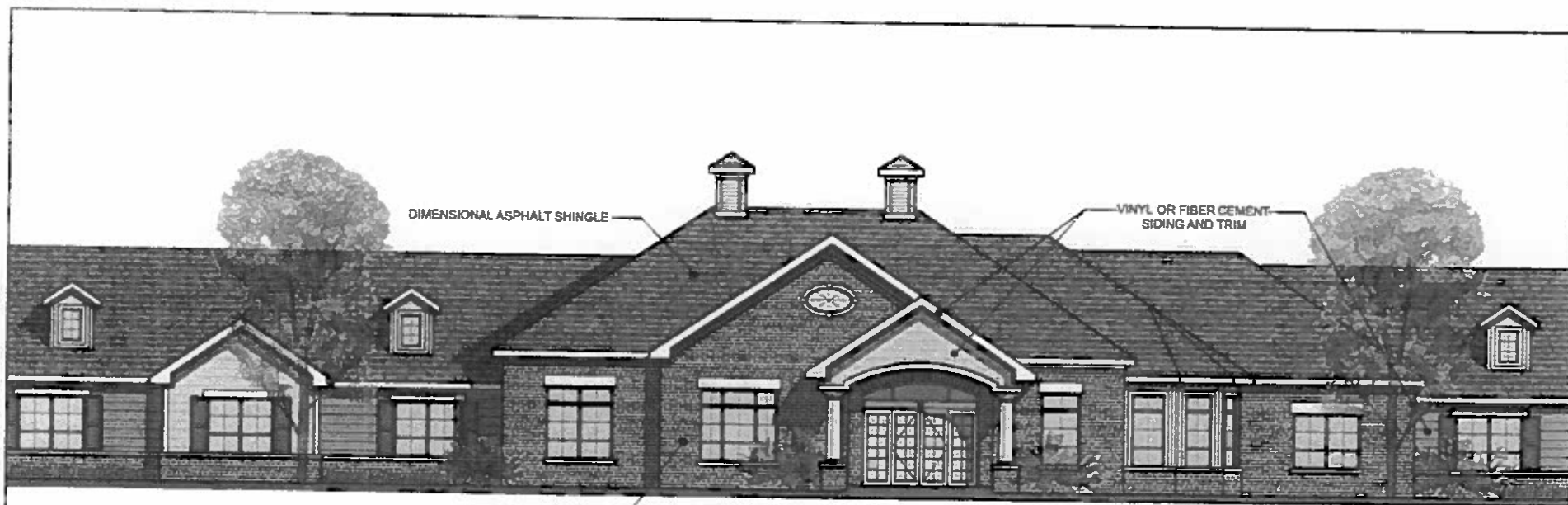
LUMSDEN ASSOCIATES, P.C.
ENGINEERS-SURVEYORS-PLANNERS
ROANOKE, VIRGINIA

4664 BRAMBLETON AVENUE
P.O. BOX 20669
ROANOKE, VIRGINIA 24018
PHONE: (540) 774-4411
FAX: (540) 772-9445
E-MAIL: MAIL@LUMSDENPC.COM

DATE:	January 20, 2015
SCALE:	NO SCALE
COMM. NO.:	12-166

Elevations Memory Care

See Exhibit B-1 attached



DIMENSIONAL ASPHALT SHINGLE

VINYL OR FIBER CEMENT
SIDING AND TRIM

BRICK, SPLIT FACE CMU, OR
NATURAL MASONRY

ENTRY DETAIL
SCALE: 1/4" = 1'-0"



FRONT ELEVATION (NW)
SCALE: 3/32" = 1'-0"

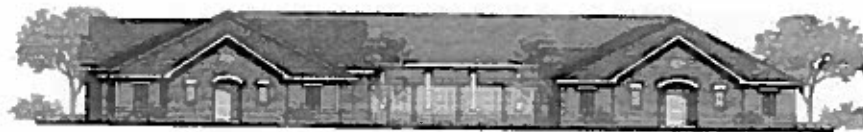
GAYLEN HOWARD LAING ARCHITECT

ARCHITECTURE INTERIOR DESIGN PLANNING

1000 WEST RIVINGTON, SUITE 200, RICHMOND, VIRGINIA 23220-1100

PHEASANT RIDGE MEMORY CARE
CONCEPTUAL ELEVATIONS
ROANOKE, VIRGINIA

SMITH/PACKETT
re-inventing health care development



SIDE ELEVATION (SW)
SCALE: 3/32" = 1'-0"



REAR ELEVATION (SE)



SIDE ELEVATION (NE)
SCALE: 3/32" = 1'-0"

GAYLEN HOWARD LAING ARCHITECT

ARCHITECTURE INTERIOR DESIGN PLANNING

1200 N.E. 21 ST. SUITE 200, FORT LAUDERDALE, FL 33304-1000

PHEASANT RIDGE MEMORY CARE
CONCEPTUAL ELEVATIONS
ROANOKE, VIRGINIA



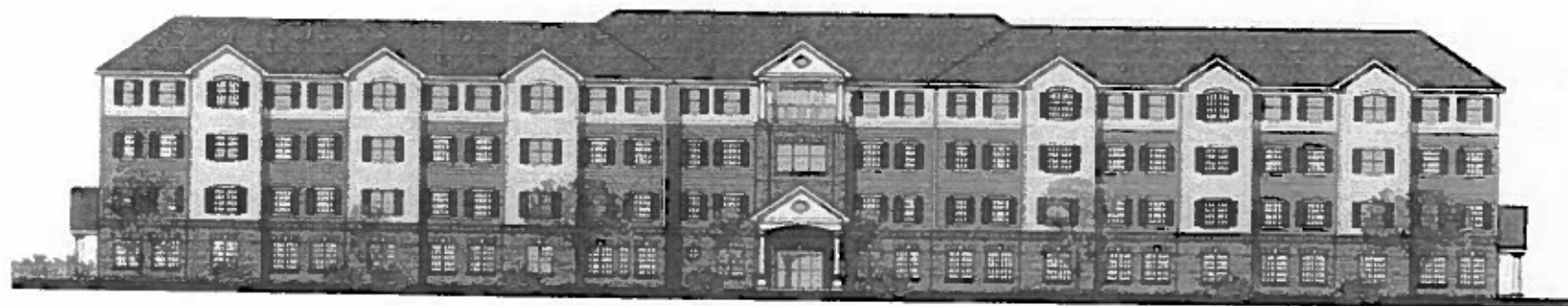
Elevations Assisted Living

See Exhibit B-2 attached



BRICK, SPLIT FACE CMU, OR
NATURAL MASONRY

ENTRY DETAIL
SCALE: 3/16" = 1'-0"



FRONT ELEVATION (NW)
SCALE: 3/32" = 1'-0"

GAYLEN HOWARD LAING ARCHITECT

ARCHITECTURE INTERIOR DESIGN PLANNING

1000 WEST BROADWAY, SUITE 100, ANNE ARBOR, MI 48106-1000

PHEASANT RIDGE ASSISTED LIVING
CONCEPTUAL ELEVATIONS
ROANOKE, VIRGINIA

SMITH/PACKETT
re-inventing health care development

Previously Adopted Ordinance

See Exhibit C Attached

531
3/14/13

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

The 18th day of March, 2013.

No. 39610-031813.

AN ORDINANCE to amend §36.2-100, Code of the City of Roanoke (1979), as amended, and the Official Zoning Map, City of Roanoke, Virginia, dated December 5, 2005, as amended, to amend the Mixed Use Planned Unit Development Plan, as it pertains to 4414 Pheasant Ridge Road, S.W., hearing Official Tax No. 5460124; 4345 Griffin Road, S.W., bearing Official Tax No. 5470302; and four unaddressed lots on Griffin Road, bearing Official Tax Nos. 5470301, 5470303, 5470304, 5470305; and three unaddressed lots on Van Winkle Road, bearing Official Tax Nos. 5470306, 5470307 and 5470308; and dispensing with the second reading by title of this ordinance.

WHEREAS, Pheasant Ridge Apartments, LLC, has made application to the Council of the City of Roanoke, Virginia ("City Council"), to amend the Mixed Use Planned Unit Development Plan, to permit construction of six buildings housing 210 apartment units instead of 160 condominium units, a stand-alone clubhouse, and a pool, with a changed site configuration and amenities than previously permitted by the Mixed Use Planned Unit Development Plan, Ordinance No. 37789-052107, adopted by City Council on May 21, 2007, as they pertain to the parcels bearing Official Tax Nos. 5460124, 5470301, 5470302, 5470303, 5470304, 5470305, 5470306, 5470307, and 5470308;

WHEREAS, the City Planning Commission, after giving proper notice to all concerned as required by §36.2-540, Code of the City of Roanoke (1979), as amended, and after conducting a public hearing at its meeting on March 12, 2013, on the matter, has made its recommendation to City Council;

WHEREAS, a public hearing was held by City Council on such application at its meeting on March 18, 2013, after due and timely notice thereof as required by §36.2-540, Code of the City of

Roanoke (1979), as amended, at which hearing all parties in interest and citizens were given an opportunity to be heard, both for and against the amendment of the Mixed Use Planned Unit Development Plan, for the properties described as Official Tax Nos. 5460124, 5470301, 5470302, 5470303, 5470304, 5470305, 5470306, 5470307, and 5470308; and

WHEREAS, this Council, after considering the aforesaid application, the recommendation made to the Council by the Planning Commission, the City's Comprehensive Plan, and the matters presented at the public hearing, finds that the public necessity, convenience, general welfare and good zoning practice, requires the amendment of the Mixed Use Planned Unit Development Plan, as they pertain to the parcel bearing Official Tax Nos. 5460124, 5470301, 5470302, 5470303, 5470304, 5470305, 5470306, 5470307, and 5470308, as herein provided.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke that:

1. Section 36.2-100, Code of the City of Roanoke (1979), as amended, and the Official Zoning Map, City of Roanoke, Virginia, dated December 5, 2005, as amended, be amended to reflect the amendment of the Mixed Use Planned Unit Development Plan, as it pertains to the parcels bearing Official Tax Nos. 5460124, 5470301, 5470302, 5470303, 5470304, 5470305, 5470306, 5470307, and 5470308, as set forth in the Amended Application No. 2, dated February 27, 2013.



2. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:
























City Clerk.

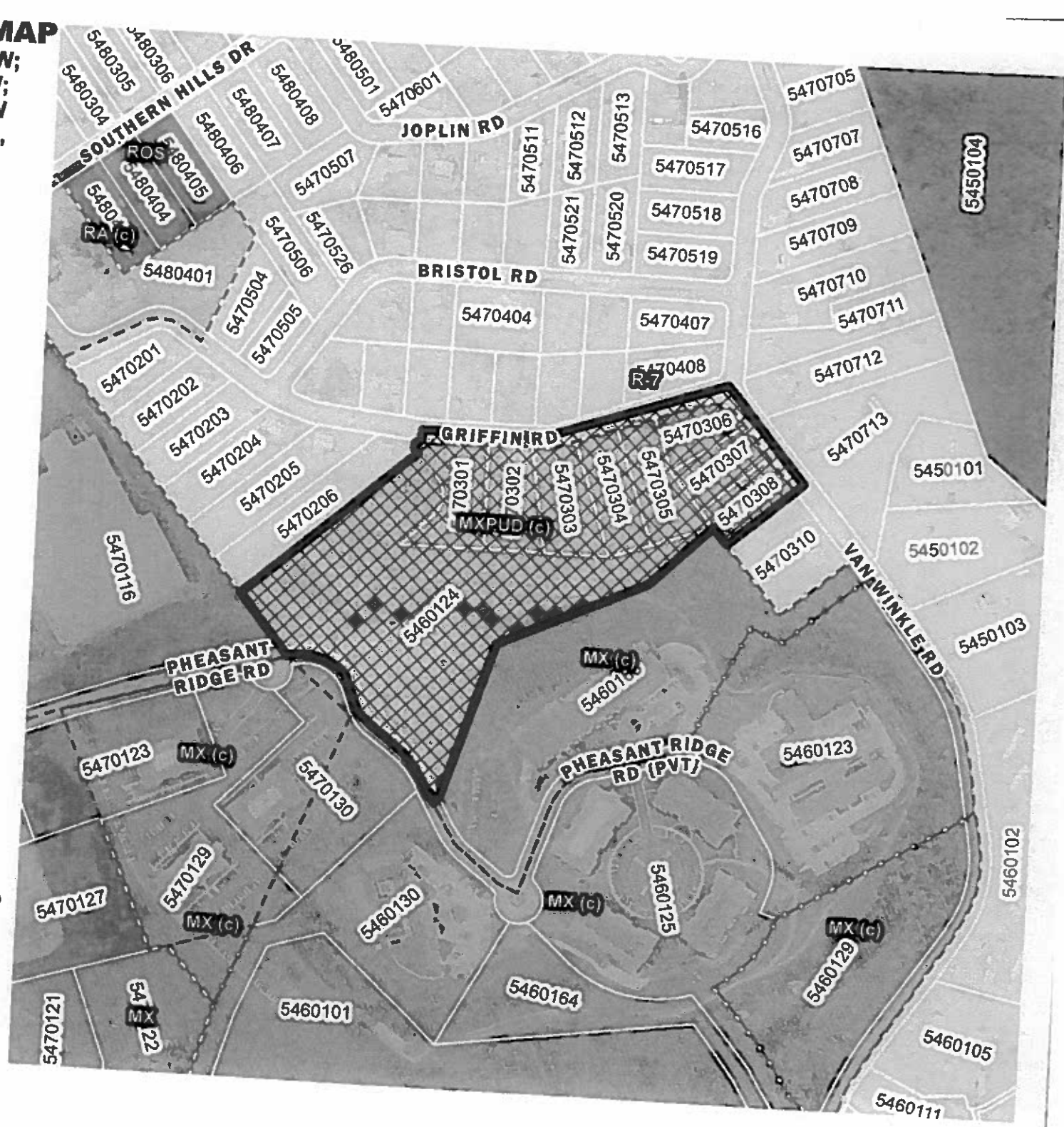
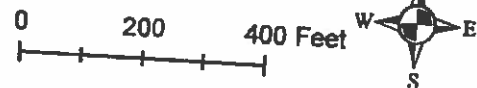
ZONING DISTRICT MAP

4414 Pheasant Ridge Road SW;
0, 4345, 0, 0, 0 Griffin Rd. SW;
and 0, 0, 0 Van Winkle Rd. SW
Official Tax Parcels: 5460124,
5470301, 5470302, 5470303,
5470304, 5470305, 5470306,
5470307, 5470308

-  Area to be Rezoned
-  Conditional Zoning

Zoning

-  RA (Residential-Agriculture)
-  R-12 (Res. Single-Family)
-  R-7 (Res. Single-Family)
-  R-5 (Res. Single-Family)
-  R-3 (Res. Single-Family)
-  RM-1 (Res. Mixed Density)
-  RM-2 (Res. Mixed Density)
-  RMF (Res. Multi-Family)
-  CN (Commercial-Neigh)
-  CG (Commercial-General)
-  CLS (Commercial-Large Site)
-  I-1 (Light Industrial)
-  I-2 (Heavy Industrial)
-  D (Downtown)
-  MX (Mixed Use)
-  IN (Institutional)
-  ROS (Rec & Open Space)
-  AD (Airport Dev)
-  MXPUD (Mixed Use Planned Unit Dev)
-  INPUD (Institutional Planned Unit Dev)
-  IPUD (Industrial Planned Unit Dev)
-  UF (Urban Flex)



McK...
B. 3.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to rezone certain property located at 4414 Pheasant Ridge Road, S.W., 4345 Griffin Road, S.W., four unaddressed lots on Griffin Road, S.W., and three unaddressed lots on Van Winkle Road, S.W., from MXPUD, Mixed Use Planned Unit Development, to INPUD, Institutional Planned Unit Development, subject to certain conditions; and dispensing with the second reading of this ordinance by title.

WHEREAS, PR Homes, LLC, has made application to the Council of the City of Roanoke, Virginia ("City Council"), to have the property located at 4414 Pheasant Ridge Road, S.W., bearing Official Tax Map No. 5460124; 4345 Griffin Road, S.W., bearing Official Tax Map No. 5470302; four unaddressed lots on Griffin Road, S.W., bearing Official Tax Map Nos. 5470301, 5470303, 5470304, and 5470305; and three unaddressed lots on Van Winkle Road, S.W., bearing Official Tax Map Nos. 5470306, 5470307, and 5470308, rezoned from MXPUD, Mixed Use Planned Unit Development, to INPUD, Institutional Planned Unit Development;

WHEREAS, the City Planning Commission, after giving proper notice to all concerned as required by §36.2-540, Code of the City of Roanoke (1979), as amended, and after conducting a public hearing on the matter, has made its recommendation to City Council;

WHEREAS, a public hearing was held by City Council on such application at its meeting on March 16, 2015, after due and timely notice thereof as required by §36.2-540, Code of the City of Roanoke (1979), as amended, at which hearing all parties in interest

and citizens were given an opportunity to be heard, both for and against the proposed rezoning; and

WHEREAS, this Council, after considering the aforesaid application, the recommendation made to City Council by the Planning Commission, the City's Comprehensive Plan, and the matters presented at the public hearing, finds that the public necessity, convenience, general welfare and good zoning practice, require the rezoning of the subject property, and for those reasons, is of the opinion that the hereinafter described property should be rezoned as herein provided.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke that:

1. Section 36.2-100, Code of the City of Roanoke (1979), as amended, and the Official Zoning Map, City of Roanoke, Virginia, dated December 5, 2005, as amended, be amended to reflect that at 4414 Pheasant Ridge Road, S.W., bearing Official Tax Map No. 5460124; 4345 Griffin Road, S.W., bearing Official Tax Map No. 5470302; four unaddressed lots on Griffin Road, S.W., bearing Official Tax Map Nos. 5470301, 5470303, 5470304, and 5470305; and three unaddressed lots on Van Winkle Road, S.W., bearing Official Tax Map Nos. 5470306, 5470307, and 5470308, be and are hereby rezoned from MXPUD, Mixed Use Planned Unit Development, to INPUD, Institutional Planned Unit Development, as set forth in the Zoning Amendment Amended Application No. 2, dated February 19, 2015.

2. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



B.4.

CITY COUNCIL AGENDA REPORT

To: Honorable Mayor and Members of City Council
Meeting: March 16, 2015
Subject: Tax Exemption Request – Countryside Sportsplex, Inc.

Background:

Countryside Sportsplex, Inc. is a Virginia, non-stock, not-for profit corporation which owns certain real property located at 2002 Highland Farm Road, N.W., Roanoke and depicted as Official Tax Map number 6472303. The organization desires the property be designated as exempt from real estate taxes pursuant to the provisions of the Code of Virginia. It was incorporated in April 2014 for the primary purpose of acquiring and developing the above property to provide facilities to inspire youth and adults to strengthen their health and well-being through recreation, wellness activities, and business academic enrichment. At present, annual real estate taxes on the parcel are \$931 on a total assessed value of \$170,000.

Considerations:

On May 19, 2003, City Council approved a revised policy and procedure in connection with requests from non-profit organizations for tax exemption of certain property in the City by Resolution 36331-051903, with an effective date of January 1, 2003. Based on this policy and procedure, Countryside Sportsplex, Inc. has provided the necessary information required for applications for exemptions that would take effect July 1, 2015.

As noted above, the assessed value of the real property at 2002 Highland Farm Road is currently \$170,000 with annual real estate taxes due of \$931. The organization is current on its taxes. In lieu of the \$931 in real estate taxes, the organization would agree to pay to the City an annual service charge equal to twenty percent of the tax levy on the parcel for as long as the exemption continues. In this case, based on the current assessed value, the service charge amount would be \$186. Consequently, the City would be foregoing \$745 in annual real estate revenue.

Additionally, the organization agrees that it will immediately notify the Commissioner of the Revenue and the Treasurer if any portion of the property is leased to a third party and will provide the City with a copy of the executed lease. The organization agrees to include a provision in the lease that the third party will be responsible for paying the City applicable leasehold taxes. The proposed ordinance reserves the right of City Council to review and/or revoke the exemption if the applicant fails to comply with these requirements.

Commissioner of the Revenue, Sherman Holland, has determined that the organization is not exempt from paying taxes by classification or designation under the Code of Virginia. The IRS recognizes the organization as a 501(c)(3) tax-exempt organization.

Notification of a public hearing to be held March 16, 2015, was duly advertised in the Roanoke Times.

Recommended Action:

Adopt an ordinance to authorize Countryside Sportsplex, Inc. exemption from real property taxation pursuant to Article X, Section 6 (a) 6 of the Constitution of Virginia, effective July 1, 2015.



Christopher P. Morrill
City Manager

Distribution: Council Appointed Officers

Honorable Sherman A. Holland, Commissioner of the Revenue
Honorable Evelyn W. Powers, City Treasurer
R. Brian Townsend, Assistant City Manager for Community Development
Sherman M. Stovall, Assistant City Manager for Operations
Amelia C. Merchant, Director of Management and Budget
Susan S. Lower, Director of Real Estate Valuation
Mark E. Feldmann, Esquire, Glenn Feldman Darby & Goodlatte, 37
Campbell Avenue, S.W., Roanoke, VA 24011

02C
IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE exempting from real estate property taxation certain property located at 2002 Highland Farm Road, N.W., Roanoke, Virginia, and depicted as Official Tax Map No. 6472303, owned by Countryside Sportsplex, Inc., an organization devoted exclusively to charitable or benevolent purposes on a non-profit basis; providing for an effective date; and dispensing with the second reading of this ordinance by title.

WHEREAS, Countryside Sportsplex, Inc., (hereinafter "the Applicant"), has petitioned this Council to exempt certain real property of the Applicant from taxation pursuant to Article X, Section 6(a)(6) of the Constitution of Virginia;

WHEREAS, a public hearing at which all citizens and other interested persons had an opportunity to be heard with respect to the Applicant's petition was held by Council on March 16, 2015;

WHEREAS, the provisions of subsection B of Section 58.1-3651, Code of Virginia (1950), as amended, have been examined and considered by the Council;

WHEREAS, the Applicant agrees that the real property to be exempt from taxation is certain real estate, including the land and any buildings and improvements located thereon, identified as Official Tax Map No. 6472303, commonly known as 2002 Highland Farm Road, N.W., Roanoke, Virginia, (the "Property"), and owned by the Applicant, and providing that the Property shall be used by the Applicant exclusively for charitable or benevolent purposes on a non-profit basis; and

WHEREAS, in consideration of Council's adoption of this Ordinance, the Applicant has voluntarily agreed to pay each year a service charge in an amount equal to twenty percent (20%)

of the City of Roanoke's real estate tax levy, which would be applicable to the Property were the Property not exempt from such taxation, for so long as the Property is exempted from such taxation.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke as follows:

1. Council classifies and designates Countryside Sportsplex, Inc., as a charitable or benevolent organization within the context of Section 6(a)(6) of Article X of the Constitution of Virginia, and hereby exempts from real estate taxation certain real estate, identified as Official Tax Map No. 6472303, commonly known as 2002 Highland Farm Road, N.W., Roanoke, Virginia, and owned by the Applicant, which Property is used exclusively for charitable or benevolent purposes on a non-profit basis; continuance of this exemption shall be contingent on the continued use of the Property in accordance with the purposes which the Applicant has designated in this Ordinance.

2. In consideration of Council's adoption of this Ordinance, the Applicant agrees to pay to the City of Roanoke real estate tax levy, on or before October 5 of each year a service charge in an amount equal to twenty (20%) percent of the City of Roanoke's real estate tax levy.

3. This Ordinance shall be in full force and effect on July 1, 2015, if by such time a copy, duly executed by an authorized officer of the Applicant, has been filed with the City Clerk.

4. The City Clerk is directed to forward an attested copy of this Ordinance, after it is properly executed by the Applicant, to the Commissioner of the Revenue and the City Treasurer for purposes of assessment and collection, respectively, of the service charge established by this Ordinance, and to Clay L. Dawson, President, and the authorized agent of Countryside Sportsplex, Inc.

5. Pursuant to Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

ACCEPTED, AGREED TO AND EXECUTED by Countryside Sportsplex, Inc., this
____ day of _____, 2015.

COUNTRYSIDE SPORTSPLEX, INC.

By _____

Printed Name and Title



B.S.

CITY COUNCIL AGENDA REPORT

To: Honorable Mayor and Members of City Council
Meeting: March 16, 2015
Subject: Sale of City-Owned Property Located at 1231 Midvale Avenue, S.W.

Background:

Black Dog Properties, L.L.C. (Black Dog), has requested that the City of Roanoke sell a portion of a property, not to exceed 1.25 acres, located at 1231 Midvale Avenue, S.W., (Official Tax Map #1221301) (Parcel) for the expansion of Black Dog's adjacent business. This Parcel was acquired by the City in 2006 along with other adjacent properties for construction of the Roanoke River Flood Reduction Project. The portion of the Parcel being considered for sale is not currently utilized for any public park purpose and is undeveloped.

City staff and Black Dog's representatives have prepared the attached Agreement for Purchase and Sale of Real Property that contains all of the terms of the transaction.

Under Section 15.2-1800, et seq., Code of Virginia (1950), as amended, prior to selling City-owned property the City is required to give public notice, conduct a public hearing, and adopt an ordinance by City Council.

Consideration:

The Parcel contains 2.3222 acres and has an assessed value of \$16,800. The proposed sale involves approximately one-half of the Parcel and the sale price is \$8,750. The exact boundaries of the Property to be conveyed will be determined by a survey prior to closing. The Property to be sold will not exceed 1.25 acres.

Recommended Action:

Absent comments at the public hearing to the contrary, adopt the attached ordinance authorizing the City Manager to execute an agreement substantially similar to the one attached to this report, and to execute such other documents and to take such further actions as may be necessary to implement, administer, and enforce such agreement. All documents are subject to approval as to form by the City Attorney.

A handwritten signature in black ink, appearing to read "C. Morrill", is written over a horizontal line.

Christopher P. Morrill
City Manager

Distribution: Council Appointed Officers

Brian Townsend, Assistant City Manager for Community Development
Wayne Bowers, Director of Economic Development
Steve Buschor, Director of Parks and Recreation

AGREEMENT FOR PURCHASE AND SALE OF REAL PROPERTY

This Agreement for Purchase and Sale of Real Property ("Agreement") is dated as of _____, 2015, by and between the City of Roanoke, a Virginia municipal corporation 215 Church Avenue, Room 364, Roanoke, Virginia 24011 ("Seller") and Black Dog Properties, L.L.C., 902 13th St. SW, Roanoke, VA 24019 ("Purchaser").

RECITALS

WHEREAS, Seller is the owner in fee simple of certain real property and improvements thereon located in the City of Roanoke, Virginia, as shown and described more particularly on the Plat attached as Exhibit "1" and described in Section 1(B) below; and

WHEREAS, Seller is desirous of selling the Property, and Purchaser is desirous of purchasing the Property pursuant to the terms hereof.

NOW, THEREFORE, for and in consideration of the mutual covenants and conditions herein set forth, and such other good and valuable consideration, the receipt and sufficiency of which is acknowledged by the parties hereto, Seller and Purchaser, intending to be fully and legally bound, hereby agree that the above Recitals and exhibits are incorporated into this Agreement and that they further agree as follows:

- I. **DEFINITIONS.** As used in this Agreement, unless the context otherwise requires or it is otherwise herein expressly provided, the following terms shall have the following meanings:
 - A. **"Effective Date"** shall mean the date the last party signs this Agreement.
 - B. **"Property"** shall mean a portion of the property, not to exceed 1.25 acres, generally depicted as Roanoke City Tax Map No. 1221301, described on Exhibit "1", and having an address of 1231 Midvale Ave. SW, Roanoke, VA 24019, together with privileges, easements, appurtenances and hereditaments appertaining thereto.
 - C. **"Purchase Price"** shall mean \$8,750.00 in U.S. Dollars.
 - D. **"Purchaser"** shall mean Black Dog Properties, L.L.C., 902 13th St. SW, Roanoke, VA 24019 ("Purchaser").
 - E. **"Seller"** shall mean the City of Roanoke, Virginia with an address at: Room 364 Noel C. Taylor Municipal Building, 215 Church Avenue, SW, Roanoke, Virginia 24011, with a copy of any notices sent to Seller sent to Assistant City Manager for Community Development, Room 364, Noel C. Taylor Municipal Building, 215 Church Avenue, SW, Roanoke, Virginia 24011.
 - F. **"Settlement" and/or "Closing"** shall mean the consummation of the sale and purchase provided for in this Agreement to occur as provided in Section 9 hereof.

2. **PURCHASE AND SALE.** The Seller agrees to sell and convey and the Purchaser agrees to purchase the Property upon the terms set forth in this Agreement.
3. **PURCHASE PRICE AND PAYMENT.** The Purchaser shall pay the Purchase Price in cash at Settlement, in addition to such other closing costs attributable to Purchaser as set forth herein. If payment is by check, the check shall be a certified or cashier's check payable to the City of Roanoke.
4. **DEFAULT/TERMINATION.** Purchaser shall have the right, until all contingencies set forth in Section 8 below have been satisfied, to notify Seller of Purchaser's election to terminate this Agreement and neither party shall have any further rights against or obligations to the other party arising out of this Agreement.
5. **REPRESENTATIONS AND WARRANTIES OF SELLER.** The Seller represents and warrants to the Purchaser as follows:
 - A. Title to the Property is, and at Settlement shall be, marketable and good of record and in fact, free and clear of all liens, easements, encumbrances, leases, covenants, conditions, restrictions which Purchaser, in its absolute discretion, determine may materially and adversely impair its intended use of the Property, and title will be insurable on standard commercial terms with all appropriate and customary endorsements, including insured access to a public road, at standard title insurance company rates of the title company chosen by Purchaser (the "Title Company"), except for restrictions and encumbrances appearing of record. To the best of the knowledge of Seller, there are no title conditions adversely affecting title insurability. Notwithstanding anything else in this Agreement, the Property is sold "**SUBJECT TO**" such state of facts as an accurate survey or title search of the Property would disclose. Conveyance of title to Purchaser shall be by Special Warranty deed.
 - B. Purchaser shall have until the expiration of the Inspection Period, as referenced in Section 13 below, within which to search title to the Property and within which to furnish Seller with a written statement of title and survey objections. If Purchaser fails to give Seller notice of any title and/or survey objections prior to the expiration of the Inspection Period, then Purchaser shall have waived the right to object to the same. Seller shall have ten (10) business days after receipt of Purchaser's objections to notify Purchaser as to which objections Seller elects to satisfy and shall have until the Settlement in which to do so or to notify Purchaser that it has elected not to satisfy same. Seller shall have the right, but not the obligation to satisfy all objections which it undertakes to satisfy or which arise after the effective date of this Agreement, unless consented to in writing by Purchaser, provided that Seller covenants to clear all monetary liens from the Property prior to closing. If Seller elects not to cure such title objections, then Purchaser shall choose within ten (10) days from receipt of such notice from Seller to do one of the following: (i) terminate this Agreement (except for any obligations which are specified to survive any termination of this Agreement), or (ii) close and receive the deed required herein from Seller irrespective of such title objections without reduction of the Purchase Price. If Purchaser fails to give Seller written notice of Purchaser's election by the end of said ten (10) day period, Purchaser shall be deemed to have elected not to

accept the Property and to have terminated this Agreement as set forth in clause (i) above.

- C. The Seller is the fee simple owner of the Property and has all necessary authority to sell the Property. There are no other contracts for sale or options involving the Property. There are no leases affecting the Property. Notwithstanding anything else in this Agreement, the Property is being sold in its "AS IS, WHERE IS" condition at the time of Settlement. The Seller is making no warranties, or representation regarding the physical and environmental condition of the Property, or the suitability of the Property for Purchaser's purpose. There are no eminent domain or condemnation proceedings pending against the Property, and Seller has no knowledge of such proceedings or of any intentions or plans definite or tentative that such proceedings might be instituted. There are no actions or suits in law or equity or proceedings by any governmental agency now or pending or, to the knowledge of Seller, threatened against Seller in connection with the Property. There is no outstanding order, writ, injunction or decree of any court or governmental agency affecting the Property.
 - D. Seller has full power and authority to enter into this Agreement and assume and perform all of its obligations hereunder.
 - E. There are no service, supply, management or other agreements relating to the operation or ownership of the Property.
 - F. In the event any of the representations, warranties, additional undertakings of Seller in this Agreement and/or other responsibilities of the Seller, as set forth in this Agreement, are not accurate and cannot be or are not ratified or fulfilled prior to Settlement, then the Purchaser shall have the right, at its sole option, to take one of the following actions: (i) waive the inaccurate, un-ratified or unfulfilled representation, warranty, additional undertakings and/or responsibility of Seller, and proceed with Settlement hereunder, provided, however, that such waiver shall be in writing, or (ii) terminate this Agreement, whereupon all rights and responsibilities hereunder shall be null and void, and neither party shall have any further obligations hereunder.
6. REPRESENTATIONS AND WARRANTIES OF PURCHASER. The Purchaser represents and warrants to Seller that the Purchaser has the financial ability to purchase the Property, and is purchasing the Property in its AS IS, WHERE IS condition, without any warranties by Seller as to the physical or environmental condition of the Property.
7. ADDITIONAL UNDERTAKINGS OF THE PARTIES.
- A. The Seller agrees to remove any City-owned equipment or materials from the Property prior to the date of Settlement. All such equipment and materials shall remain the sole property of the Seller.
 - B. Purchaser shall promptly pay for all advertising costs and any related fees or costs connected with this Agreement and/or sale of the Property, including, but not limited to the costs for any advertisement of required public hearing(s). Such

payments shall be made directly to the entity providing the advertising or other service as the City may direct.

- C. Purchaser shall be responsible for payment of all application, filing and related fees to the City of Roanoke for the creation of the Property as a separate parcel from its adjoining property belonging to Seller as defined in Section 8 (B) below.

8. OBLIGATIONS OF SELLER AND PURCHASER TO SETTLE. The obligations of the Seller and the Purchaser to settle on the Property pursuant to the provisions of this Agreement shall be subject to the following conditions:

- A. The representations and warranties of the Seller set forth in this Agreement shall be true and correct on and as of the Settlement as though such representations and warranties were made on and as of such date.
- B. The Purchaser, at its sole cost and expense, shall conduct a survey of the Property and develop a subdivision plat and submit it for review and approval through the City of Roanoke subdivision approval process to create the Property as a separate tax parcel or parcels or to include a portion or portions of the Property into Purchaser's adjoining properties and to establish the remaining portion of Roanoke City Tax Parcel No. 1221301 as Roanoke City Tax Parcel No. 1221301, as adjusted, within sixty (60) days after the completion of the Inspection Period referred to in Section 12 below and shall diligently pursue approval of a subdivision plat in good faith. Seller acknowledges that Purchaser's subdivision / combination activities may require administrative approval of the creation of a lot in excess of the by right size lot for UF zoning. Purchaser reserves the ability to combine the subdivision approval with a rezoning petition for the Property if deemed in its best interest during the Inspection Period. If the subdivision is not approved by the City of Roanoke within one hundred eighty (180) days after the completion of the Inspection Period, either party may terminate the Agreement by written notice of termination to the other party. The boundary line between the Property and the remaining portion of Roanoke City Tax Parcel No. 1221301 is generally depicted on Exhibit 1. The parties acknowledge that the exact location of the boundary line shall be determined during the Inspection Period and agree to cooperate in the final determination of the exact location of same. Purchaser shall submit its proposal for the final, exact location of the boundary line to Seller for its review and approval by the City Manager, or his designee.

9. SETTLEMENT. The Settlement shall be held at the offices of the Roanoke City Attorney, or such other place as mutually agreed upon, within thirty (30) days of completion of the above Contingencies. Purchaser shall provide Seller with ten (10) days written notice prior to Closing ("Closing Date").

10. TENDER OF SETTLEMENT. The delivery to the Seller by the Purchaser of the Purchase Price and by Seller to the Purchaser of the executed Deed together with all other documents and instruments required to be delivered by either party to the other at the time of Settlement by the terms of this Agreement shall be deemed to be a good and sufficient tender of performance of the terms hereof.

11. SETTLEMENT OBLIGATIONS OF THE PARTIES. The cost of any title examination and recording taxes payable in connection with the recording of the Deed and costs for all applicable public hearing advertisements and other costs shall be paid by Purchaser. Other Settlement costs shall be charged as is customary in Virginia. Each party shall be responsible for costs normally paid by Seller and Purchaser respectively and each party shall be responsible for any other fees charged to them, as agreed upon by them or their attorneys.

12. TITLE AND CLOSING.

A. Title to the Property, in accordance with the Survey, shall be conveyed by Seller to Purchaser by Special Warranty Deed in an AS IS, WHERE IS, condition (the "Deed") subject to the following:

1. Ad valorem real property taxes and stormwater utility fees for the current year, not yet due and payable;
2. Those matters of title to which Purchaser has not objected to in writing;
3. Those matters reflected on the Survey to which Purchaser has not objected to in writing;
4. Easements and other restrictions of record as of the date of execution of this Contract by Seller, provided that Seller shall provide clarification that the temporary construction easement depicted on the plat recorded in the Office of the Clerk of the Circuit Court of the City of Roanoke, Virginia in Map Book 1, page 3356 has expired as the construction has been completed;
5. Liens and objections shown on the Title Commitment (if obtained by Purchaser);
6. Standard conditions, other customary and usual exceptions not adversely affecting title; and

B. Delivery of title in accordance with the foregoing shall be evidenced by the willingness on the Closing Date of the Title Company (if obtained by Purchaser) to issue, upon payment of its normal premium, to Purchaser its ALTA Owner's Policy of Title Insurance (06/17/06) w/ VA Mod (the "Title Policy") insuring Purchaser in the amount of the Purchase Price in respect to the Property (including access to the Property) and that title to the Property is vested in Purchaser subject only to the Conditions of Title.

C. On the Closing Date, Seller shall deliver or cause to be delivered to Purchaser the following documents:

1. Its duly executed and acknowledged Special Warranty Deed conveying to Purchaser the Property in accordance with the provisions of this Contract;
2. A mechanic's lien affidavit executed by a representative of Seller, satisfactory to the Title Company, and to the effect that no work has been performed on the Property by Seller in the one hundred twenty-five (125) days immediately preceding the Closing Date that could result in a mechanic's lien claim, or, if such work has been performed, it has been paid for in full;

3. A parties in possession affidavit satisfactory to the Title Company;
 4. Such evidence and documents including, without limitation, a certified copy of the ordinance adopted by the Seller, as may reasonably be required by the Title Company evidencing the authority of the person(s) executing the various documents on behalf of Seller in connection with its sale of the Property;
 5. A duly executed counterpart of a Closing Statement; and
 6. Any other items required to be delivered pursuant to this Contract.
- D. At Closing, real property taxes (if any) and stormwater utility fees shall be prorated with Purchaser being responsible for all periods thereafter.
- E. Purchaser shall pay for (i) the cost of all investigations of the Property including, but not limited to, examination of title and title insurance premiums for issuance of the Title Policy; (ii) all attorney's fees and expenses incurred by legal counsel to Purchaser; (iii) the newspaper ad advertising the public hearing by City Council for its consideration of this matter, and (iv) any Grantee's tax and recording costs required to be paid in connection with the recording of the Deed.
- F. Seller shall pay the Grantor's tax, if any, and the expenses of legal counsel for Seller, if any.
- G. Exclusive possession of the Property shall be delivered to Purchaser on the Closing Date, subject to the provisions of this Contract.

13. RIGHT OF ENTRY AND INSPECTION PERIOD.

- A. Purchaser shall have ninety (90) days from the effective date of this Agreement to complete Purchaser's due diligence review of the Property (Inspection Period) to determine if there are any issues that would prevent the Purchaser's use of the Property. Seller shall make available to Purchaser Seller's existing title insurance policies, all title exceptions, surveys, environmental audits, building permits, certificates of occupancy, plans and specifications, books and records, zoning information and other matters currently in the possession of Seller regarding the Property. Should Purchaser determine during such Inspection Period that it is not satisfied with the Property or any characteristics thereof for any reason whatsoever, in Purchaser's sole and absolute discretion, Purchaser may terminate this Agreement by notifying the Seller in writing as soon as possible, but no later than five (5) consecutive calendar days after the end of such Inspection Period, of Purchaser's decision to terminate the Agreement. In such case, this Agreement shall thereupon be terminated and of no further force and effect, unless Seller and Purchaser mutually agree to modify this Agreement to address any such issues.
- B. In connection with the Purchaser's ability to conduct its Due Diligence review mentioned above the Seller hereby grants to Purchaser, its officers, agents, employees, contractors, subcontractors, licensees, designees, representatives, and consultants, a revocable right to enter upon the Property at any time during the Due Diligence Period, upon two (2) working days prior written notice to the Seller, in order to survey, make test borings, and carry out such other

examinations, exploratory work, or settings as may be necessary to complete a Phase I and Phase II Environmental Assessments, or geotechnical assessments, or nondestructive engineering evaluations of the Property, and to store Purchaser's property and equipment, upon the following terms and conditions:

1. If the Purchaser exceeds its rights granted under this Section or fails to obtain and maintain the insurance required by this Section 13, the Seller may immediately revoke this right of entry.
2. Purchaser agrees to be responsible for any and all damages resulting from the activity or activities of Purchaser, its officers, agents, employees, contractors, subcontractors, licensees, designees, representatives and consultants, on the Property in the exercise of the rights granted under this Section. Purchaser shall, at its sole cost, promptly and fully restore any land disturbed by the exercise of the rights under this Section to a condition equal to that existing immediately prior to entry on the Property.
3. Purchaser agrees and binds itself and its successors and assigns to indemnify, keep and hold the Seller and its officers, agents, employees, volunteers, and representatives free and harmless from any and all liability, claims, causes of action, costs and damages of any type, including attorney's fees, on account of any injury or damage of any type to any person or property growing out of or directly or indirectly resulting from any act or omission of Purchaser in connection with this right of entry, including, but not limited to, Purchaser's use of the Property in violation of any provision of this Contract, claims relating to the storage of property by Purchaser on the Property, or the exercise of any right or privilege granted by or under this Section 13. In the event that any suit or proceeding shall be brought against the Seller or any of its officers, employees, agents, volunteers, or representatives, at law or in equity, either independently or jointly with Purchaser, its officers, agents, employees, contractors, subcontractors, licensees, designees, representatives and consultants, on account thereof, Purchaser, upon notice given to it by the Seller or any of its officers, employees, agents, volunteers or representatives will pay all costs of defending the Seller or any of its officers, employees, agents, volunteers or representatives in any such action or other proceeding. In the event of any settlement or any final judgment being awarded against the Seller or any of its officers, employees, agents, volunteers or representatives, either independently or jointly with Purchaser, its officers, agents, employees, contractors, subcontractors, licensees, designees, representatives and consultants, then Purchaser will pay such settlement or judgment in full or will comply with such order or decree, pay all costs and expenses of whatsoever nature, including attorney's fees, and hold the Seller or any of its officers, employees, agents, volunteers or representatives harmless therefrom.

4. Purchaser shall, at its sole expense, obtain and maintain, or have its contractors or representatives obtain and maintain, the insurance set forth below. Any required insurance shall be effective prior to the beginning of any work or other performance by Purchaser under Section 3. The following policies and coverages are required:
 - (i) Commercial General Liability. Commercial General Liability insurance, written on an occurrence basis, shall insure against all claims, loss, cost, damage, expense or liability from loss of life or damage or injury to persons or property arising out of Purchaser's acts or omissions. The minimum limits of liability for this coverage shall be \$2,000,000 combined single limit for any one occurrence.
 - (ii) Contractual Liability. Broad form Contractual Liability insurance shall include the indemnification obligation set forth above.
 - (iii) Workers' Compensation. Workers' Compensation insurance covering Purchaser's statutory obligation under the laws of the Commonwealth of Virginia and Employer's Liability insurance shall be maintained for all its employees engaged in work under this Section 3. Minimum limits of liability for Employer's Liability shall be \$100,000 bodily injury by accident each occurrence; \$500,000 bodily injury by disease (policy limit); and \$100,000 bodily injury by disease (each employee). With respect to Workers' Compensation coverage, the insurance company shall waive rights of subrogation against the Seller, its officers, employees, agents, volunteers and representatives.
 - (iv) Automobile Liability. The minimum limit of liability for Automobile Liability Insurance shall be \$1,000,000 combined single limit applicable to owned or non-owned vehicles used in the performance of any work under this Section 3 and shall be written on an occurrence basis.
5. The insurance coverages and amounts set forth above may be met by an umbrella liability policy following the form of the underlying primary coverage in a minimum amount of \$2,000,000. Should an umbrella liability insurance coverage policy be used, such coverage shall be accompanied by a certificate of endorsement stating that it applies to the specific policy numbers indicated for the insurance providing the coverages required by this section, and it is further agreed that such statement shall be made a part of the certificate of insurance furnished by Purchaser to the Seller.
6. All insurance shall also meet the following requirements; unless otherwise agreed to by the City's Risk Manager:
 - (i) Purchaser shall furnish the Seller a certificate or certificates of insurance showing the type, amount, effective dates and date of

expiration of the policies. All such insurance shall be primary and noncontributory to any insurance or self-insurance the Seller may have. Certificates of insurance shall include any insurance deductibles.

- (ii) The required certificate or certificates of insurance shall include substantially the following statement: "The insurance covered by this certificate shall not be canceled or materially altered, except after thirty (30) days written notice has been provided to the Risk Management Officer for the City of Roanoke, except for non-payment of premium which shall be ten (10) days"
- (iii) The required certificate or certificates of insurance shall name the City of Roanoke, its officers, employees, agents, volunteers, and representatives as additional insureds.
- (iv) Where waiver of subrogation is required with respect to any policy of insurance required under this Section 13, such waiver shall be specified on the certificate of insurance.
- (v) Insurance coverage shall be in a form and with an insurance company approved by the Seller, which approval shall not be withheld unreasonably. Any insurance company providing coverage under Section 13 shall be authorized to do business in the Commonwealth of Virginia.

C. Upon the request of Seller, Purchaser, its officers, agents, employees, contractors, subcontractors, licensees, designees, representatives and consultants, shall within a reasonable period of time after receipt of any preliminary or final survey, test results or conclusory reports and opinion statements, deliver copies of same to Seller. If Seller so requests, Purchaser shall also turn over copies of raw data obtained and any laboratory and observation reports or analyses. Such copies of all the above shall be provided to Seller without charge.

Purchaser, its officers, agents, employees, contractors, subcontractors, licensees, designees, representatives and consultants, shall at all times during performance of the Contract, comply with all applicable federal, state, and local laws, rules, and regulations. Purchaser, its officers, agents, employees, contractors, subcontractors, licensees, designees, representatives and consultants, prior to exercising any rights under this section shall obtain, at their cost, any and all required permits and/or licenses for any such work

14. Intentionally Deleted.

15. RISK OF LOSS. Risk of loss shall be borne by Seller prior to Settlement. However, in the event of any damage to the Property prior to Settlement, the Purchaser shall have the election to Close as required hereunder without diminution in the Purchase Price and with the assignment by Seller of all Seller's interest in payments for damage to the Property or terminate this Agreement.

16. REAL ESTATE BROKERS: The parties to this Agreement agree that there are no real estate broker's fees due as a result of this transaction.

17. NOTICES. All notices hereunder must be in writing and shall be deemed validly given, by personal service, if sent by certified mail, return receipt requested, or by a nationally recognized overnight courier, addressed as follows (or any other address the party to be notified may have designated to the sender by like notice):

If to Seller: City of Roanoke,
ATTN: City Manager
364 Noel C. Taylor Municipal Building
215 Church Avenue, SW
Roanoke, Virginia 24011
Fax No. 540-853-2333

With a Copy to: Assistant City Manager
for Community Development
City of Roanoke
364 Noel C. Taylor Municipal Building
215 Church Avenue, SW
Roanoke, VA 24011
Fax No. 540-853-2333

If to Purchaser: Black Dog Properties, L.L.C.
902 13th St. SW
Roanoke, VA 24019

With a copy to: Stephen W. Lemon, Esq.
Martin, Hopkins & Lemon, P.C.
1000 Wells Fargo Tower
10 S. Jefferson Street
Roanoke, Virginia 24011
P. O. Box 13366
Roanoke, Virginia 24033-3366
Fax No. 540-982-2015

Notice shall be deemed delivered upon the date of personal service, two days after deposit in the United States mail, or the day after delivery to a nationally recognized overnight courier.

18. GOVERNING LAW. By virtue of entering into this Agreement, Purchaser and Seller agree and submits themselves to a court of competent jurisdiction, which shall be the Circuit Court or General District Court for the City of Roanoke, Virginia, and further agrees this Agreement is controlled by the laws of the Commonwealth of Virginia, with the exception of Virginia's conflict law of provisions which shall not apply, and that all claims, disputes and other matters shall be decided only by such court according to the laws of the Commonwealth of Virginia, as aforesaid. Purchaser and Seller further waive and agree not to assert in any such action, suit, or proceeding that it is not personally

subject to the jurisdiction of such courts, that the action, suit or proceeding is brought in an inconvenient forum, or that the venue of the action, suit, or proceeding is improper.

19. ASSIGNABILITY: This Agreement is not assignable to any third party without the expressed written consent of all parties to this Agreement.
20. CONSTRUCTION. The parties acknowledge that each party and its counsel have reviewed and revised this Contract and that the normal rule of construction to the effect that any ambiguities are to be resolved against the drafting party shall not be employed in the interpretation of this Contract or any amendments or exhibits hereto.
21. SEVERABILITY AND SURVIVAL. If any term of this Contract is found to be invalid, such invalidity shall not affect the remaining terms of this Contract, which shall continue in full force and effect. The parties intend for the provisions of this Contract to be enforced to the fullest extent permitted by applicable law. Accordingly, the parties agree that if any provisions are deemed not enforceable by any court or agency of competent jurisdiction, they shall be deemed modified to the extent necessary to make them enforceable.
22. TIME. Time is of the essence with respect to all provisions of this Agreement.
23. COUNTERPART COPIES. This Agreement may be executed in any number of counterpart copies, each of which shall be deemed an original, but all of which together shall constitute a single instrument.
24. ENTIRE AGREEMENT. This Agreement, together with the exhibits hereto, contains all representations and the entire understanding between the parties hereto with respect to the subject matter hereof. Any prior correspondence, memoranda, or contracts are replaced in total by this Agreement and the exhibits hereto. No amendment to this Agreement shall be valid unless made in writing and signed by the appropriate parties.

SIGNATURES APPEAR ON FOLLOWING PAGE

IN WITNESS WHEREOF, Purchaser and Seller have executed this Agreement by their authorized representatives.

ATTEST:

City Clerk

SELLER:
CITY OF ROANOKE, VIRGINIA

By _____
Christopher P. Morrill, City Manager

COMMONWEALTH OF VIRGINIA
CITY OF ROANOKE, to-wit:

The foregoing instrument was acknowledged before me this ____ day of _____, 2015 by Christopher P. Morrill, City Manager for the City of Roanoke, Virginia, for and on behalf of said Municipal Corporation.

My commission expires: _____

Notary Public

SEAL

Approved as to Form:

City Attorney

Approved as to Execution:

City Attorney

Authorized by Ordinance No. _____

PURCHASER:
BLACK DOG PROPERTIES, L.L.C.

By _____ (SEAL)
Robert H. Kulp, Jr., Operating Manager

§
§ To-Wit:
§

The foregoing instrument was acknowledged before me this ____ day of _____, 2015, by

the Operating Manager of Black Dog Properties,
L.L.C., for and on behalf of such entity.

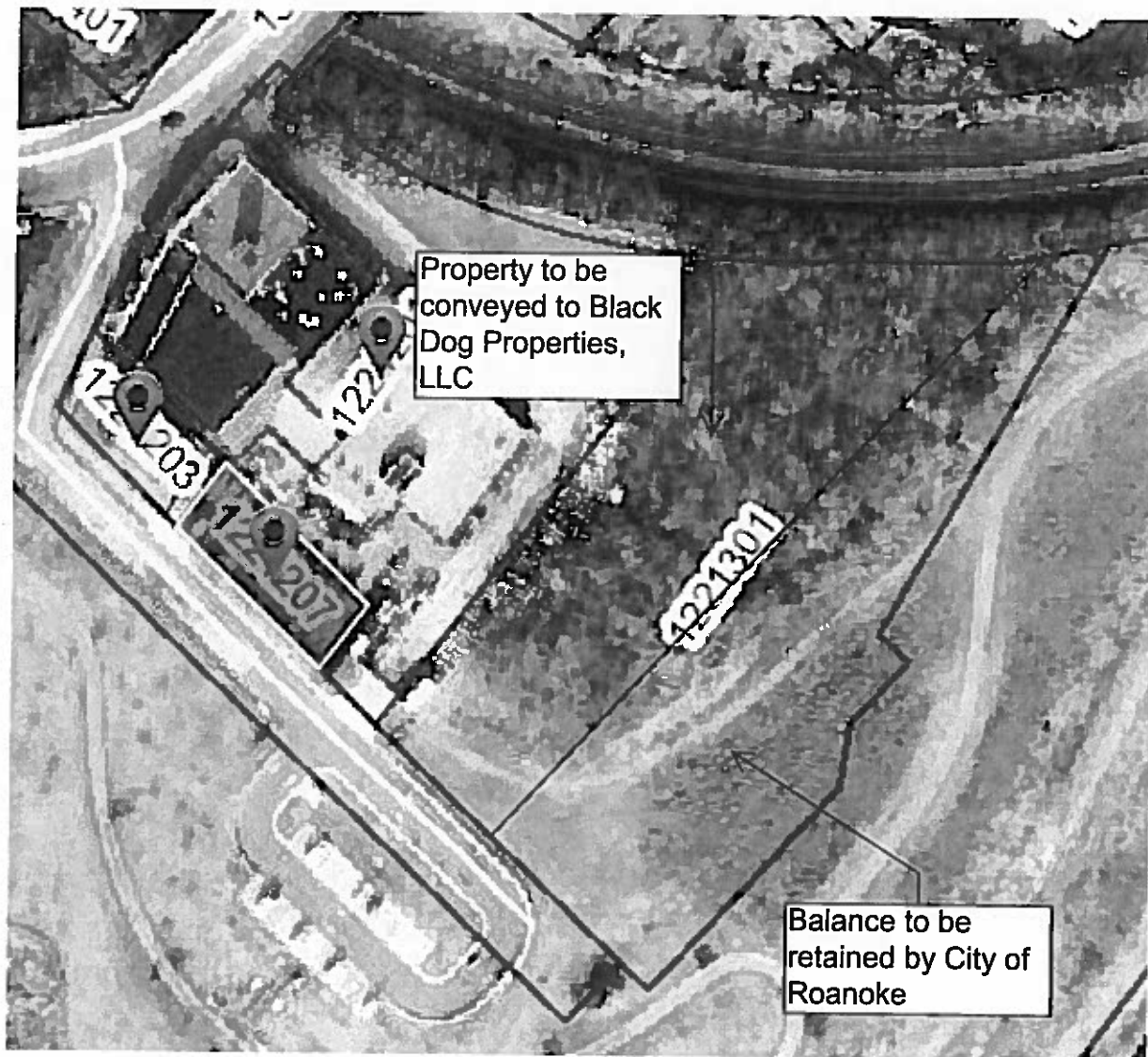
My commission expires:

Notary Public

SEAL

Contract for Purchase and Sale of Real Property
dated _____, 2015 by and between
City of Roanoke Virginia, as Seller, and
Black Dog Properties, L.L.C., as Purchaser

EXHIBIT "1"



IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE authorizing the proper City officials to execute an Agreement for Purchase and Sale of Real Property between the City of Roanoke, Virginia ("City"), and Black Dog Properties, L.L.C. ("Black Dog"), to sell to Black Dog certain real property located at 1231 Midvale Avenue, S.W., Roanoke, Virginia, consisting of approximately one-half of the parcel, not to exceed 1.25 acres, designated as Official Tax Map No. 1221301, upon certain terms and conditions; authorizing the City Manager to execute such further documents and take such further actions as may be necessary to accomplish the above matters; and dispensing with the second reading of this Ordinance by title.

WHEREAS, a public hearing was held on March 16, 2015, pursuant to Section 15.2-1800 and Section 15.2-1813, Code of Virginia (1950), as amended, at which hearing all parties in interest and citizens were afforded an opportunity to be heard on such conveyance.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke as follows:

1. The City Manager is hereby authorized on behalf of the City to execute an Agreement for Purchase and Sale of Real Property ("Sales Contract"), substantially similar to the Sales Contract attached to the City Council Agenda Report to this Council dated March 16, 2015, to sell to Black Dog a parcel of land consisting of approximately one-half of the parcel, not to exceed 1.25 acres, located at 1231 Midvale Avenue, S.W., Roanoke, Virginia, designated as Official Tax Map No. 1221301 ("Property") for the purchase price of \$8,750.00, upon such terms and conditions as more particularly set forth in the City Council Agenda Report dated March 16, 2015.

2. The City Council further finds the sale of the Property will be of economic benefit to the City and its citizens.

3. The City Manager is further authorized on behalf of the City to negotiate and execute such further documents and take such further actions related to this matter and as may be necessary to implement, administer, and enforce the conditions and obligations that must be met by Black Dog pursuant to the Sales Contract.

4. The form of the documents referred to above and in the City Council Agenda Report are to be approved by the City Attorney.

5. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this Ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

VIRGINIA:

IN THE COUNCIL OF THE CITY OF ROANOKE

IN THE MATTER OF

) PETITION FOR APPEAL

) 202 Market Street and
) Dr. Stephen Rosenoff
)

This is a Petition for Appeal from a decision of the Architectural Review Board under Section 36.2-530(c)(5) of the Zoning Ordinance of the Code of the City of Roanoke (1979), as amended.

1. Name of the Petitioner(s): Stephen Rosenoff and 202 Market
2. Doing business as (if applicable): Stefano's on the Market
3. Street address of property which is the subject of this appeal: 202
Market Street, SE, Roanoke, Virginia 24011
4. Overlay zoning (H-1, Historic Downtown Overlay District, or H-2, Historic Neighborhood Overlay District) of property(ies) which is the subject of this appeal: H-1
5. Date the hearing before the Architectural Review Board was held at which the decision being appealed was made: December 19, 2014
6. Section of the Code of the City of Roanoke under which the Certificate of Appropriateness was requested from the Architectural Review Board (Section 36.2-330, if H-1 or Section 36.2-331, if H-2): Section 36.2-330
7. Description of the request for which the Certificate of Appropriateness was sought from the Architectural Review Board: Roll-down awnings on the side of the building.
8. Grounds for appeal: Application complies with all applicable architectural design guidelines. Among other things, the application provides roll down enclosures to protect patrons from inclement weather, when necessary.

Name, title, address and telephone number of person(s) who will represent the Petitioner(s) before City Council:

John S. Edwards, Esq.
P.O. Box 1179
Roanoke, Virginia 24006-1179
540-985-8625 -- Phone
540-345-9950 - Fax
jselaw@edwardsva.com

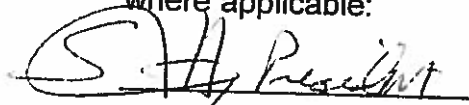
WHEREFORE, your Petitioner(s) requests that the action of the Architectural Review Board be reversed or modified and that a Certificate of Appropriateness be granted.

Signature of Owner(s)
(If not Petitioner):



Dr. Stephen Rosenoff
Name (Print or Type)

Signature of Petitioner(s)
or representative(s),
where applicable:



202 Market Street
Name (Print or Type)

TO BE COMPLETED BY CITY CLERK:

Received by: Therese M. Moore Reynolds Date: 1/13/2015

Law Office of
John S. Edwards

510 Suntrust Plaza
10 E. Franklin Rd.
Roanoke, Virginia 24011

(540) 985-8625
(540) 345-9950 Fax
jselaw@edwardsva.com

Mailing Address:
P.O. Box 1179
Roanoke, Virginia 24006-1179

January 7, 2015

Ms. Stephanie M. Moon
City Council Clerk
Noel C. Taylor Municipal Building
215 Church Avenue SW
Roanoke, VA 24011

Re: Petition for Appeal
202 Market Street, SE

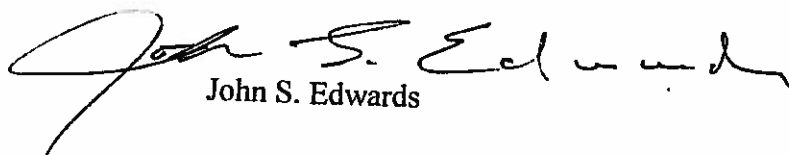
Dear Stephanie:

I am enclosing for filing the Petition for Appeal of Dr. Stephen Rosenoff and 202 Market Street from the decision of the Architectural Review Board dated December 19, 2014.

My client would be pleased if the matter were re-referred to the Architectural Review Board for further consideration, if it is the pleasure of the City Council to do so.

Thank you for your kind consideration of this matter.

Very truly yours,


John S. Edwards

JSE/eog

Enclosure

cc: Dr. Stephen Rosenoff (w/enclosure)

Mr. Derek Cundiff, Chair, Architectural Review Board (w/enclosure)

Dan Callaghan, Esq., City Attorney (w/enclosure)



CITY COUNCIL AGENDA REPORT

To: Honorable Mayor and Members of City Council
Meeting: March 16, 2015
Subject: Appeal of a decision of the Architectural Review Board at its meeting of December 17, 2014, denying the request to approve already installed 7'x8' roll-down, fire retardant, enclosure material having clear vinyl openings, to the inside face of the two existing awnings on the west side of the building at 202 Market Street, S.E., which is not consistent with the H-1 Architectural Design Guidelines.

Background:

The subject property at 202 Market Street, S.E., is located within the City Market District of the H-1 Historic Downtown Overlay District. The ground level of this two-story historic structure is currently occupied by "Stefano's, On the Market."

The applicant installed two roll-down enclosures to provide protection for restaurant guests using the outdoor dining area on the west side of the restaurant. A City Code Enforcement Inspector advised the Agent to the Architectural Review Board that the enclosure was in place and a certificate of appropriateness (COA) had not been obtained. Staff contacted the owner's representative to advise that a COA would need to be applied for.

Findings:

The City of Roanoke created the H-1 Historic District to:

- Identify properties (buildings, landmarks, structures, and areas) of architectural, cultural, and historic significance within the City that are on or are eligible for inclusion on the Virginia Landmark Register or National Register of Historic Places;
- Encourage the preservation, enhancement, and maintenance of such properties; and
- Develop and maintain appropriate settings and environments for properties.

H-1 Architectural Design Guidelines (Guidelines) adopted by the Architectural Review Board (ARB) and endorsed by City Council provide recommendations for exterior alterations of buildings. The ARB uses the Guidelines during its monthly meetings to consider applications related to alterations, additions, and new constructions within the established historic districts. Approved proposals are granted a Certificate of Appropriateness (COA), which is necessary to obtain proper permits from the Permit Center of the Planning, Building, and Development Department.

EXHIBIT A

(Denied Certificate of Appropriateness COA #140229 and ARB staff report)

On December 17, 2014, the ARB denied the applicant's request to retain the two installed roll-down enclosures hanging from the existing awnings over the sidewalk dining area, west of the building. The ARB found that the application was not consistent with the following H-1 Architectural Design Guidelines:

Working with the ARB

- *Rehabilitating Historic Buildings*
In the H-1 Historic District changes to be reviewed by the ARB include:
 - *All exterior changes to existing buildings.*

Storefronts

- *The street storefront is the most noticeable portion of a commercial building's façade. Its purpose is to:*
 - *Allow goods to be displayed to the public,*
 - *Provide daylight into shop interior,*
 - *Offer a welcoming entry for shoppers*
- *Transparency is essential to the character of commercial storefront.*

Retaining Important Features

- *Identify and retain important features and materials, such as :*
 - *Window transparency*

Appropriate Storefront Rehabilitation Materials

- *Use display windows effectively to represent the commercial use of the ground floor. Even if the business does not require merchandise displays, find attractive and interesting ways to show the public the kind of services offered.*

Awnings and Canopies

Guidelines for Compatible Design

- *Appropriate Use*
Use awnings only in the following situations:
 - *to provide weather protection for pedestrians,*
 - *to provide sun protection for display window merchandise,*
 - *to enhance an unattractive or uninteresting storefront*

- *Location, Size and Proportion*
Do not obstruct or destroy decorative details of the façade such as:
 - *decorative brick or tile work*
 - *Storefront piers*
- *Material, Design and Details*
Choose appropriate awning fabrics such as cotton duck, polyester, or acrylic.

Other applicable regulations:

- *Regulations for Outdoor Dining Areas:*
The design and style of all furniture, planters, barriers, and other objects placed in the right of way shall be architecturally compatible with all buildings adjoining the outdoor dining area and with other buildings on the street block face. All of such items should be similar colors. Materials and design style whenever possible. Do not purchase any such items prior to receiving a permit from the City Manager. The City Manager or the City Manager's designee reserves the right to approve the style, design, materials, and color of all chains, barriers, tables, chairs, planters, and trash containers placed on the sidewalk or street.
If new objects are purchased that were not described in the original application, then the Permittee must submit the description of the new objects for approval.

EXHIBIT B

(Denied Certificate of Appropriateness COA# 10-009, March 11, 2010)

On March 11, 2010, the ARB had denied approval of the applicants' request for an enclosure proposed at the corner entrance to the restaurant at Campbell Avenue, S.E., and Market Street, S.E.

EXHIBIT C

(Certificate of Appropriateness COA# 140015 and ARB staff report)

On February 20, 2014, the ARB approved proposed awnings along the west side of the building, as exist today. The awnings were approved within an area of the façade ensuring the protection and visibilities of character defining features of the building.

EXHIBIT D

(Outdoor Dining Approval)

On May 22, 2014, a sidewalk dining permit (the west side of the restaurant) was issued by the City.

EXHIBIT E

(Appeal received by the City Clerk, Tuesday, January 13, 2015)

On Tuesday, January 13, 2015, a Petition to Appeal was filed in the City Clerk's Office by Dr. Stephen Rosenoff and 202 Market Street, d/b/a Stefano's on the Market, in connection with a decision of the Architectural Review Board at its meeting of December 17, 2014, denying the request to approve already installed 7'x8' roll down, fire retardant, enclosure material having clear vinyl openings, to the inside face of the two existing awnings on the west side of the building at 202 Market Street, S.E., that is inconsistent with the H-1 Architectural Design Guidelines.

Considerations:

City Council established the ARB with the stated purpose of protecting designated historic properties against destruction or architecturally incompatible buildings and structures. The ARB's review criteria are based on the standards set forth in the Zoning Ordinance, and, where applicable, its adopted H-1 Architectural Design Guidelines (Guidelines). The Guidelines adhere to the Secretary of Interior's Standards for Rehabilitation, which are Federal criteria for appropriate treatment of historic buildings and contexts. The Guidelines for storefronts, awnings, and canopies are relevant for consideration of this application, as stated on previous pages.

Recommended Action:

The proposed roll-down enclosures obscure the building's ground level character defining features of the existing historic building. The Architectural Review Board finds the application inconsistent with the H-1 Architectural Design Guidelines as noted in Exhibit A of this report. In addition, the roll-down enclosures are inconsistent with the City of Roanoke regulations for Outdoor Dining Areas.

Therefore, the ARB recommends that the City Council affirms the ARB decision to deny the issuance of a Certificate of Appropriateness allowing the installation of the roll down enclosures at 202 Market Street, S.E.


Derek B. Cundiff, Chair
Architectural Review Board

Enclosures: Exhibit A through Exhibit E

cc: Chris Morrill, City Manager
R. Brian Townsend, Assistant City Manager
Chris Chittum, Director of Planning Building & Development

Ian Shaw, Planning Administrator
Jillian Papa Moore, Zoning Administrator
Frederick Gusler, Senior Planner
Daniel J. Callaghan, City Attorney
Steven J. Talevi, Assistant City Attorney
Dr. Stephen Rosenoff and 202 Market Street,
d/b/a Stefano's on the Market
John S. Edwards, Esq.

EXHIBIT “A”

(Denied Certificate of Appropriateness COA #140229 and ARB staff report)

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PLANNING BUILDING AND DEVELOPMENT
Noel C. Taylor Municipal Building
215 Church Avenue, SW, Room 166
Roanoke, Virginia 24011
540-853-1730 fax 540-853-1230
planning@roanokeva.gov

December 19, 2014

Dr. Steven Rosenoff
4975 Fox Ridge Road
Roanoke, VA 24018

Dear Dr. Rosenoff:

Subject: Application for a Certificate of Appropriateness
COA140229, 202 Market Street, S.E.

On December 17, 2014, the Architectural Review Board of the City of Roanoke, Virginia, considered your request for approving an already installed 7'x 8' roll down, fire retardant, enclosure material having clear vinyl openings, to the inside face of the two existing awnings on the west side of the building at 202 Market Street, S.E. and a Certificate of Appropriateness was denied. The Board found that the application was not consistent with the following H-1 Architectural Design Guidelines:

Working with the ARB

Rehabilitating Historic Buildings

In the H-1 Historic District, changes to be reviewed by ARB include:

- all exterior changes to existing buildings,

Storefronts

The street-level storefront is the most noticeable portion of a commercial building's façade. Its purpose is to:

- allow goods to be displayed to the public,
- provide daylight into shop interior,
- offer a welcoming entry for shoppers.

Retaining Important Features

- Identify and retain important features and materials, such as:
 - window transparency

Appropriate Storefront Rehabilitation Materials

- Use display windows effectively to represent the commercial use of the ground floor. Even if the business does not require merchandise displays, find attractive and interesting ways to show the public the kind of services offered.

Awnings and Canopies

Guidelines for Compatible Design

- Appropriate Use

Use Awnings only in the following situations:

- to provide weather protection for pedestrians,
- to provide sun protection for display window merchandise,
- to enhance an unattractive or uninteresting storefront, and

- Location, Size & Proportion

Do not obstruct or destroy decorative details of the façade, such as:

- ornamental ironwork ,
- decorative brick or tile work
- storefront piers, and
- Do Location, Size & Proportion

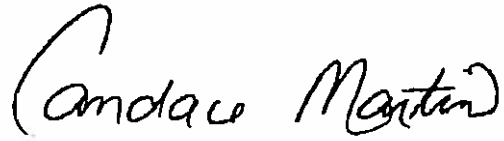
- Materials, Design & Details

Choose appropriate awning fabrics such as cotton duck, polyester, or acrylic.

In addition, the roll-down enclosures are not consistent with the City of Roanoke Regulations for Outdoor Dining Areas.

If you are aggrieved by this decision of the Architectural Review Board, you have the right to appeal the Board's decision to City Council within 30 days of the date of the decision. Information on the appeals process is enclosed. Please contact Parviz Moosavi at 540-853-1522 if you have additional questions.

Sincerely,

A handwritten signature in black ink that reads "Candace Martin". The signature is written in a cursive style with a large, looping initial "C".

Candace R. Martin, Secretary
City Architectural Review Board

/m
enclosure
cc: Mr. Nick Wentworth

AGENDA ITEM IV. E.

December 11, 2014

Mr. Derek Cundiff, Chair
and Members of the Architectural Review Board
Roanoke, Virginia

Dear Members of the Board:

Subject: Request from Dr. Steven Rosenoff,
represented by Mr. Nick Wentworth to
approve already installed 7'x 8' roll down,
fire retardant enclosure material having clear
vinyl openings, to the inside face of the two
existing awnings on the west side of the
building at 202 Market Square S.E.

Background:

The applicant has installed two roll down fire retardant enclosures from the inside face of the existing awnings on each side of the business entry door on Market Square. The subject property is located within the Historic Neighborhood Overlay (H-1) and all exterior alterations are required to be approved by the ARB.

The applicant requests approval of the two installed roll down enclosures.

Findings:

The H-1 Architectural Design Guidelines recommend the following:

Storefronts

The street-level storefront is the most noticeable portion of a commercial building's façade. Its purpose is to:

- allow goods to be displayed to the public,
- provide daylight into shop interior,
- offer a welcoming entry for shoppers.

Rehabilitating Historic Buildings

In the H-1 Historic District, changes to be reviewed by ARB include:

- all exterior changes to existing buildings,

Retaining Important Features

- Identify and retain important features and materials, such as:

- window transparency

Guidelines for Preservation & Rehabilitation

Important Considerations

- Transparency is essential to the character of a commercial storefront.
- The traditional commercial storefront is the appropriate ground-floor expression for the vast majority of downtown Roanoke's commercial buildings.
- A successful storefront reflects the architectural character of the commercial building to which it belongs, as well as the individual character of the business it serves.

Appropriate Storefront Rehabilitation Materials

- Use display windows effectively to represent the commercial use of the ground floor. Even if the business does not require merchandise displays, find attractive and interesting ways to show the public the kind of services offered.

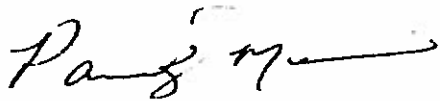
In addition, the roll down enclosures must not violate the City of Roanoke Regulations for Outdoor Dining Areas, in particular Section 2.a, 2.c & 2.d and Section 6.a (General Design).

Design Application Review Committee comments:

- Would this roll down enclosure stay all year round, or is it possible to be removed when not needed?

Staff Comments:

The roll down enclosure would allow outdoor seating for the restaurant during the cold months and must not be utilized all year round. Therefore, staff recommends approval of the application, as proposed.



Parviz Moosavi, ARB Agent

EXHIBIT “B”

(Denied Certificate of Appropriateness COA# 10-009, March 11, 2010)

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**CITY OF ROANOKE
PLANNING BUILDING AND DEVELOPMENT**

215 Church Avenue, S.W., Room 166
Roanoke, Virginia 24011
Telephone: (540) 853-1730 Fax: (540) 853-1230
E-mail: planning@roanokeva.gov

Architectural Review Board
Board of Zoning Appeals
Planning Commission

March 12, 2010

202 Market Square Properties, LLC
202 Market Square, S.E.
Roanoke, VA 24011

Dear Property Owner:

Subject: Application for a Certificate of Appropriateness
No. 10-009, 202 Market Square, S.E.

On March 11, 2010, the Architectural Review Board of the City of Roanoke, Virginia, considered your request for installation of temporary seasonal enclosure at corner entrance with red fabric awning, clear material, and door at corner entrance at 202 Market Square, S.E. and a Certificate of Appropriateness was denied. The Board found that the application was not consistent with the following H-1 Architectural Design Guidelines for building facades and awnings and canopies:

- Identify the architectural features and materials of a building's façade that are important to its character before undertaking any alterations. Important features include those that survive from the building's original construction, are distinctive or have architectural interest, are examples of quality craftsmanship, and would make the building less attractive or unrecognizable if removed.
- Do not use alterations, such as cover-up materials, oversized signs, or extreme color schemes, that damage or obscure characteristic features of the façade, change or destroy the traditional relationship between the upper and lower portions of the façade, call undue attention to the façade, and are out of character with neighboring buildings.
- Choose appropriate awning fabrics such as cotton duck, polyester, or acrylic. Awnings made of aluminum or vinyl are not appropriate.

- Use awnings only in the following situations: to provide weather protection for pedestrians, to provide sun protection for display window merchandise, to enhance an unattractive or uninteresting storefront, and to provide business identification.
- Proportion an awning so that it has an 8-foot clearance to the sidewalk, a 4- to 7-foot projection over the sidewalk, a 15° to 45° slope, and a valance width of 8 to 12 inches.

If you are aggrieved by this decision of the Architectural Review Board, you have the right to appeal the Board's decision to City Council within 30 days of the date of the decision. Information on the appeals process is enclosed. Please contact Erica Taylor at 853-1522 if you have additional questions.

Sincerely,

A handwritten signature in black ink that reads "Candace Martin". The signature is fluid and cursive, with the first name "Candace" written in a larger, more prominent script than the last name "Martin".

Candace R. Martin, Secretary
City Architectural Review Board

/m

enclosure

cc: Mr. Zachary Rosenoff

H-1, Historic Downtown Overlay District Submittal Requirements Checklist

Submit by Email

Print Form



The following must be submitted for **all** applications:

- ☐ A *completed* application form and checklist. Applications will be deemed incomplete without owner signature.
- ☐ A brief project description of work including how the proposed architectural or site alterations are consistent with the ARB Guidelines for the subject Historic District. If historic materials are being replaced rather than repaired, please provide justifications.
- ☐ Photographs showing the current conditions of the specific project site.

For **painting**, the following must be submitted:

- ☐ Identify portions of the building to be painted.
- ☐ Paint color sample(s).

For **lighting**, the following must be submitted:

- ☐ Site Lighting: A site plan showing proposed location of lighting.
- ☐ Building Mounted: Photograph or scaled drawing of elevation showing location of proposed lighting.
- ☐ Sample, photograph or catalog picture of proposed fixture.

For **awnings and canopies**, the following must be submitted:

- ☒ Scaled elevation drawing showing location, size and proportion of proposed awnings or canopies in relation to the building. Please identify the materials, design, distance from the sidewalk to the bottom of awning/canopy (eight foot clearance required) and mounting method to be used.
- ☒ Sample, photograph or catalog picture of manufactured items.

For **new construction**, the following must be submitted:

- ☐ Site plan, including property lines, roadways, footprint of buildings and structures, paving, etc.
- ☐ Scaled elevation drawings of all sides of proposed building/addition.
- ☐ Samples, photographs or catalog pictures of building materials.

For **signs**, the following must be submitted:

- ☐ Building Mounted: Photograph or scaled drawing of elevation showing location of proposed sign.
- ☐ Photograph or scaled drawing of the proposed sign, identifying materials, color, lettering (size and style), and wordage.
- ☐ Specifications of sign brackets, mounting hardware and lighting, if applicable.

For **windows, doors, roofs, parapets and cornices**, the following must be submitted:

- ☐ Scaled elevation drawings showing proposed alteration. If proposing to return building to an earlier appearance, please provide supporting documentation for the request (i.e. historic photograph).
- ☐ Sample, photograph or catalog picture of proposed building material.

For **demolition**, the following must be submitted:

- ☐ Justification for demolition, including structural evaluation and cost estimates for rehabilitation.

For **other items**, please refer to a like category.

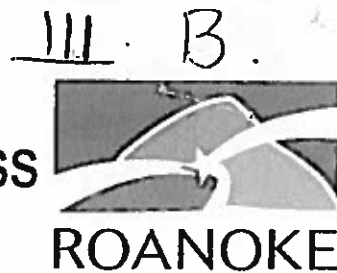
**Note: If applying by e-mail please include the above items as an attachment.*

Department of Planning Building and Development
Room 166, Noel C. Taylor Municipal Building
215 Church Avenue, S.W.
Roanoke, Virginia 24011
Phone: (540) 853-1730 Fax: (540)853-1230

ARB Agent
Erica Taylor, City Planner II
Phone: (540) 853-1522
E-mail: erica.taylor@roanokeva.gov

H-1, Historic Downtown Overlay District

Application for Certificate of Appropriateness



Date of Application 12/9/09

Site Address 202 Market Sq, Roanoke, VA 24011

Property Owner:

Name: 202 Market Square Properties, LLC

Address: 202 Market Sq

City: Roanoke

State: VA

Zip Code: 24011

Phone Number: (540) 343-6644

E-Mail: zach@202market.net

Owner's Representative (if applicable):

Name: ZACHARY ROSENOFF

Address: 4975 Fox Ridge Rd

City: Roanoke

State: VA

Zip Code: 24018

Phone Number: (617) 599-8376

E-Mail: zach@202market.net

Application prepared by: Zachary Rosenoff

Project Type: ☐ Painting ☐ Lighting ☒ Awnings and Canopies ☐ New Construction ☐ Signs ☐ Windows and Doors
☐ Storefront ☐ Roof, Cornice or Parapet ☐ Demolition ☐ Other: _____

***PLEASE USE ATTACHED SHEET FOR PROJECT DESCRIPTION.**

Acknowledgement of Responsibility:

I understand that all applications requiring review by the ARB must be complete and must be submitted before application deadlines; otherwise consideration will be deferred to the following meeting. I agree to comply with the conditions of this certificate and all other applicable city regulations and to pursue this project in strict conformance with the plans approved by the ARB. I understand that no changes are permitted without prior approval by the City.

Signature of Property Owner: _____

Date: 12/08/09

Section Below to be Completed by Staff

Certificate Number: COA 100041

Approval By: ☒ ARB ☐ Agent

Tax Parcel Number: 4010903

Other approvals needed:

☒ Zoning Permit

☐ BZA/Planning Commission

Base Zoning District: H-1/D

☒ Building Permit

☐ Other _____

Agent, Architectural Review Board: _____

Luca Taylor

Date: 12/17/09

Member, Architectural Review Board: _____

Date: _____

H-1, Historic Downtown Overlay District
Detailed Project Description



Site Address: 202 Market Sq, Roanoke, VA 24011

Property Owner: 202 Market Square Properties

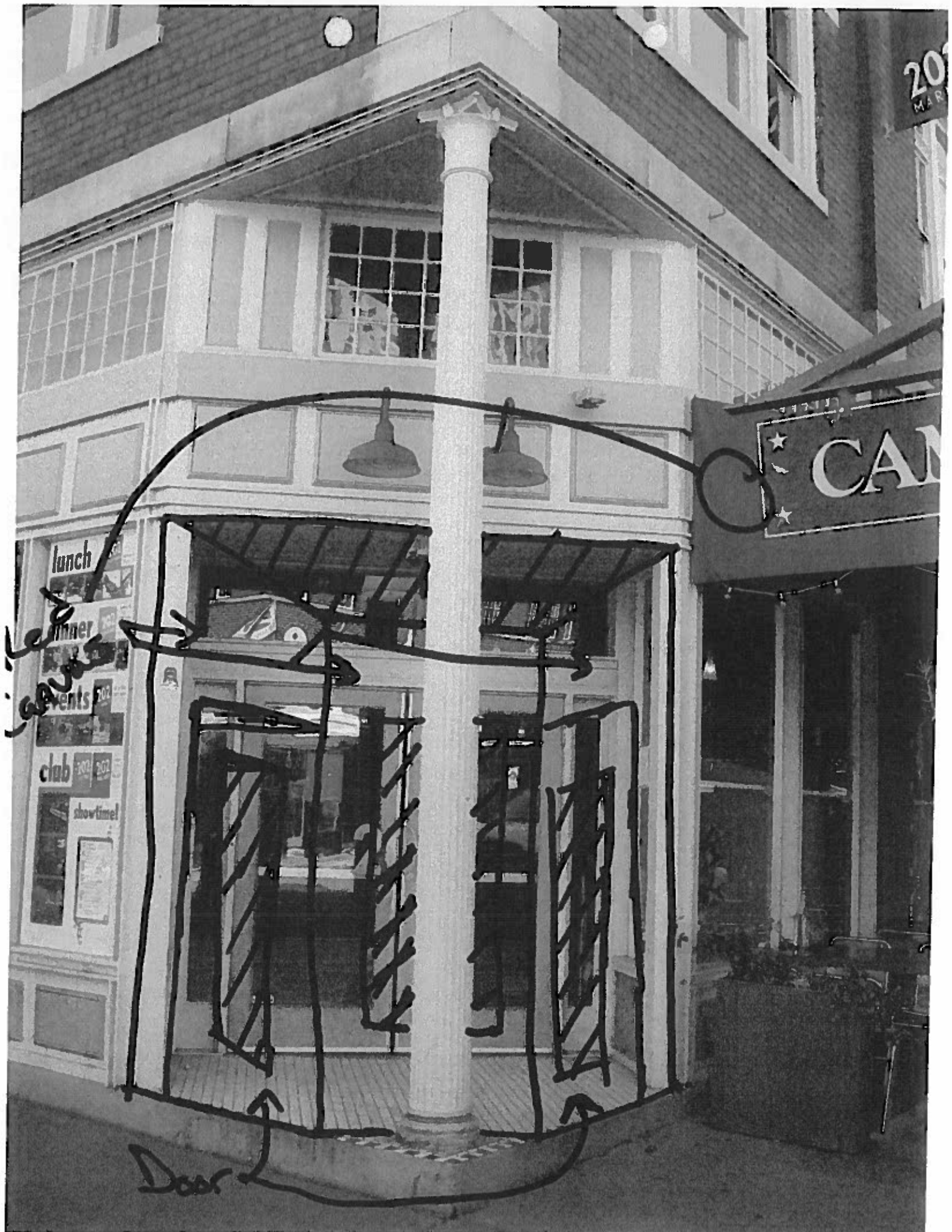
Project
Description:

Enclose front entrance w/
awning w/ doors to help
keep building / dining room
warm and conserve on
energy. more detailed
drawing will be presented
during ARB meeting.

Additional information to be submitted:

☐ Photographs ☐ Site Plan ☐ Elevation Drawings ☐ Sample, Photograph, or Catalog Pictures of Proposed Material

☐ Other:



20
MAR

CAMP

lunch

dinner

events

club

showtime!

Door

202MSC LLL - T/A 202 MARKET
P. O. BOX 12843
ROANOKE, VA 24029
CHAD - C-525-9908
FAX - 343-6680

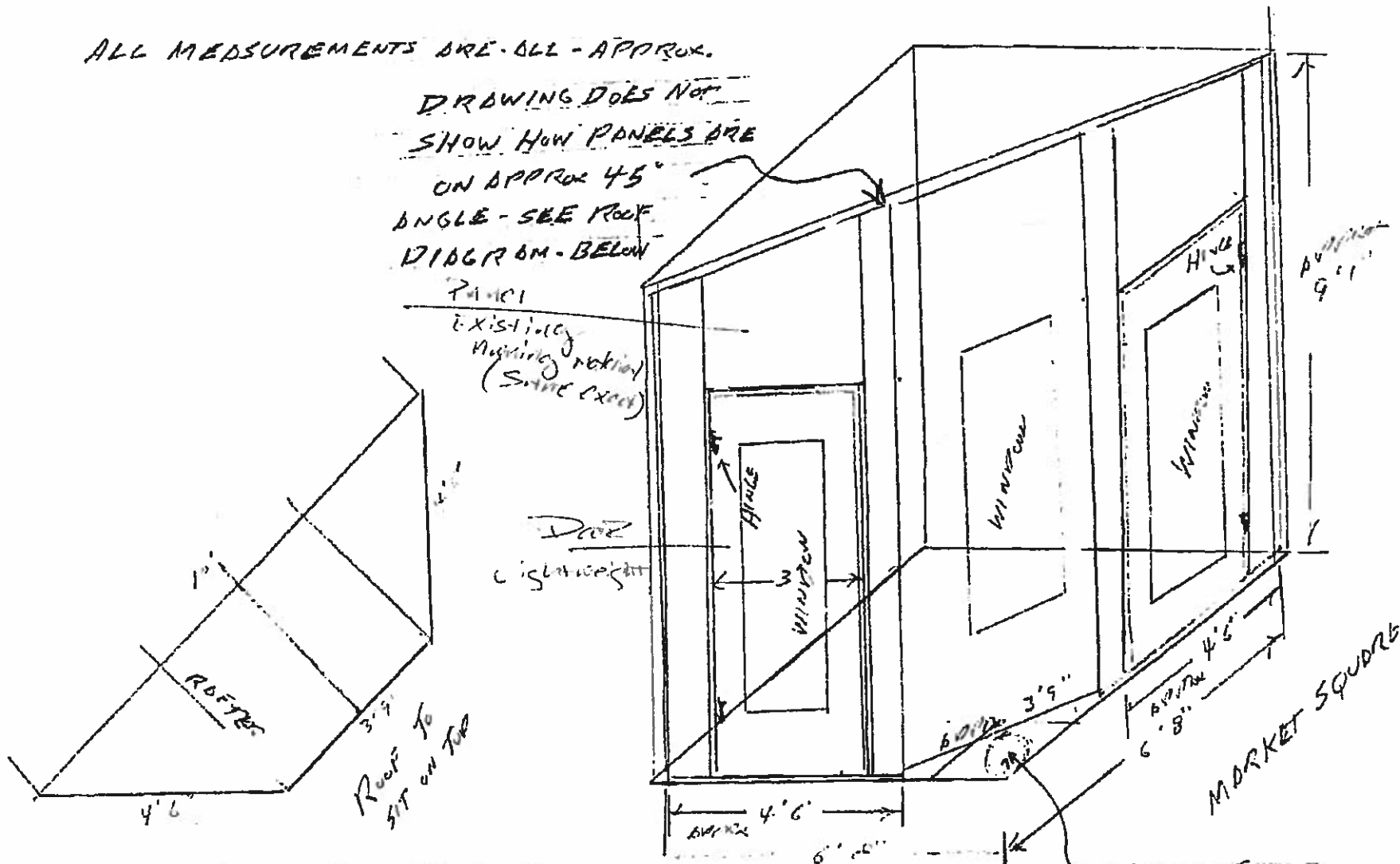
SUNNYSIDE AWNING CO.
601 Salem Ave., S.W.
Roanoke, VA 24016
1-540-344-7726 Fax 344-0464

ALL MEASUREMENTS ARE ALL - APPROX.

DRAWING DOES NOT
SHOW HOW PANELS ARE
ON APPROX 45°
ANGLE - SEE ROOF
DIAGRAM - BELOW

PANEL
EXISTING
HINGING MECHANISM
(SUNNY SIDE)

DOOR
LIGHT WEIGHT



FRAME - WORK WILL BE
1"X1" ALUMINUM STAPLE TUBE COMPOSED OF
FABRIC SAME AS AWNINGS
WITH .020 GAUGE CLEAR VINYL
FOR WINDOWS.

POLE (COLUMN)

MARKET SQUARE

EXHIBIT “C”

(Certificate of Appropriateness COA# 140015 and ARB staff report)

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PLANNING, BUILDING AND DEVELOPMENT

Noel C. Taylor Municipal Building
215 Church Avenue, SW, Room 166
Roanoke, Virginia 24011
540.853.1730 fax 540.853.1230
planning@roanokeva.gov

February 24, 2014

Mr. Stephen Rosenoff
204 S. Jefferson Street, Apt. 5
Roanoke, VA 24011

Dear Mr. Rosenoff:

Subject: Certificate of Appropriateness No. COA140015
202 Market Square, S.E., Tax ID#: 4010903

The City of Roanoke Architectural Review Board considered your request for a Certificate of Appropriateness and your request was approved as set out on the enclosed Certificate. ***Please bring your Certificate and drawings with you to Room 170, Noel C. Taylor Municipal Building, when applying for all applicable permits.***

If you have any questions relative to this matter, please contact Jillian Papa at 853-1522.

Sincerely,

Candace R. Martin, Secretary
Architectural Review Board

enclosure



PLANNING, BUILDING AND DEVELOPMENT
Noel C. Taylor Municipal Building
215 Church Avenue, SW, Room 166
Roanoke, Virginia 24011
540.853.1730 fax 540.853.1230
planning@roanokeva.gov

PLEASE POST

CERTIFICATE OF APPROPRIATENESS

No.: COA140015

Date: February 20, 2014

On February 20, 2014, the City of Roanoke Architectural Review Board granted this Certificate of Appropriateness to Stephen Rosenoff approving replacing an existing shed style awning over the dining room door facing Market Square with a wider awning according to the photo rendering and drawing submitted and amending the valance lettering approved per COA130209 to "STEFANO'S an italian kitchen" according to the photo rendering submitted. The awning will be black and white striped in color and pattern as previously approved per COA130209 and the height of the lettering on valances will not exceed 11" at 202 Market Square, S.E., as per the application and plans presented to the Board on the date set out above:

This Certificate is valid for one year from the date set out above.

Derek Cundiff, Chair

AGENDA ITEM II.C2.



PLANNING, BUILDING AND DEVELOPMENT

Noel C. Taylor Municipal Building
215 Church Avenue, SW, Room 166
Roanoke, Virginia 24011
540.853.1730 fax 540.853.1230
planning@roanokeva.gov

February 13, 2014

**Mr. Derek Cundiff, Chair
and Members of the Architectural Review Board
Roanoke, Virginia**

Dear Members of the Board:

Subject: Request from Steven Rosenoff to replace an existing awning with a wider awning and to amend COA130209 to change the valance lettering of the awnings on the building located at 202 Market Square, S.E.

Background:

The Paradox Building was constructed circa 1909 in the Beaux Arts style. The building contributes to the City Market Historic District, which is located within the Historic Downtown Overlay District (H-1).

The applicant is requesting approval of the following work:

1. Replace an existing shed style awning over the dining room door facing Market Square with a wider awning according to the photo rendering and drawing submitted.
2. Amend the valance lettering approved per COA130209 to "STEPHANO'S an italian kitchen" according to the photo rendering submitted. The awning will be black and white striped in color and pattern as previously approved per COA130209. The height of the lettering on valances will not exceed 11".

Findings:

The H-1 Architectural Design Guidelines for Awnings and Canopies recommends:

Appropriate use

- Use awnings only in the following situations: to provide weather protection for pedestrians; to provide sun protection for display window merchandise; to enhance and unattractive or uninteresting storefront; and to provide business identification.

Location, Size and Proportion

- Do not obscure or destroy decorative details of the façade, such as: ornamental ironwork, decorative brick or tile work, transoms, storefront cornices, storefront piers, and brick arches or pressed metal window hoods.
- Proportion and awnings so that it has: an 8-foot clearance for the sidewalk; a 4- to 7-foot projection over the sidewalk; a 15 to 45 degree slope; and a valance width of 8 to 12 inches.
- Locate awnings or canopies on the transom bar—above the display windows but beneath the transom windows—whenever possible. When such location would prevent adequate clearance above the sidewalk, the awning or canopy may be located above the transom windows or immediately below the storefront lintel, sign panel, or storefront cornice.
- Avoid using posts or columns that interfere with pedestrians to support an awning or canopy.
- Do not permit water to drain off a canopy without a downspout. Runoff should be drained by downspouts located adjacent to the piers of the building.
- Make the width of an awning or canopy somewhat greater than that of a storefront, overlapping slightly but not extending across the outermost structural piers. It may extend across one or more intermediate piers to unify several storefront openings for a single tenant, but only if it does not obscure significant features or details of the façade.

Materials, Design and Details

- Choose appropriate awning fabrics such as cotton duck, polyester, or acrylic. Awnings made of aluminum or vinyl are not appropriate.
- Secure an awning firmly without causing damage to the structure or materials of the façade.
- Keep awnings fairly restrained in design and pattern for buildings with highly detailed facades—preferably by using a solid fabric. Striped fabrics and other patterns are better suited to plainer buildings.
- Choose an awning shape that is appropriate for a particular storefront. The familiar, straight-sloped awning is generally best for most storefronts. Awnings with rounded tops or curved profiles should not be used unless justified by the shape of the storefront or its window or door openings.
- Select awning colors that reinforce the overall color scheme of the building.
- Consider awning details, such as the style of the valance (scalloped, notched, straight) as a way of making the awning compatible with the character of a particular building façade.

The proposed awnings generally comply with the H-1 Design Guidelines for Awnings and Canopies stated above.

The H-1 Architectural Design Guidelines for Signs recommends:

Number and Size

- Do not exceed one square foot of total sign area per linear foot of building frontage for all uses in any commercial building.

Color

- Choose simple color schemes for painted signs using no more than three colors that relate to the overall color scheme of the building.

Lettering

- Choose simple lettering for commercial signs that is: easy to read, appropriate to the character of the business, and compatible with the architecture of the building.
-

The request for awning signs generally complies with the H-1 Design Guidelines for Signs.

Design Application Review Committee comments:

- Recommended for consent agenda.

Staff Comments:

façade

The application complies with the H-1 Guidelines for Signs and Awnings and Canopies. Staff recommends approval.



Jillian Papa, AICP
ARB Agent

H-1, Historic Downtown Overlay District
Application for Certificate of Appropriateness



Date of Application 8-14-13

Site Address

202 Market Square Roanoke 24011

Property Owner:

Name:

Stephen H. Rosenoff

Address:

204 S. Jefferson St apt 5

City:

Roanoke

State: VA

Zip Code:

24011

Phone Number:

540-798-8448

E-Mail:

steve@202Market.net

Owner's Representative (if applicable):

Name:

Same as above

Address:

City:

State:

Zip Code:

Phone Number:

E-Mail:

Application prepared by:

Project Type: ☒ Painting ☐ Lighting ☒ Awnings and Canopies ☐ New Construction ☒ Signs ☐ Windows and Doors
☐ Storefront ☐ Roof, Cornice or Parapet ☐ Demolition ☐ Other:

*PLEASE USE ATTACHED SHEET FOR PROJECT DESCRIPTION.

Acknowledgement of Responsibility:

I understand that all applications requiring review by the ARB must be complete and must be submitted before application deadlines; otherwise consideration will be deferred to the following meeting. I agree to comply with the conditions of this certificate and all other applicable city regulations and to pursue this project in strict conformance with the plans approved by the ARB. I understand that no changes are permitted without prior approval by the City.

Signature of Property Owner:

Date:

08/15/13

Section Below to be Completed by Staff

Certificate Number:

Approval By:

☒ ARB

☐ Agent

Tax Parcel Number:

4010903

Other approvals needed:

☐ Zoning Permit

☐ BZA/Planning Commission

Base Zoning District:

☐ Building Permit

☐ Other

Agent, Architectural Review Board:

Date:

Member, Architectural Review Board:

Date:

H-1, Historic Downtown Overlay District
Detailed Project Description



Site Address: 202 Market Square

Property Owner: Stephen H. Rosenoff

Project
Description:

Paint exterior
Recover existing awnings
add 2 New awnings

all awnings to have logo +
Name

See Attached

Additional information to be submitted:

☒ Photographs ☐ Site Plan ☐ Elevation Drawings ☐ Sample, Photograph, or Catalog Pictures of Proposed Material

☐ Other: _____



PLANNING, BUILDING AND DEVELOPMENT

Noel C. Taylor Municipal Building
215 Church Avenue, SW, Room 166
Roanoke, Virginia 24011
540.853.1730 fax 540.853.1230
planning@roanokeva.gov

September 16, 2013

Mr. Stephen Rosenoff
204 S. Jefferson Street, Apt. 5
Roanoke, VA 24011

Dear Mr. Rosenoff:

Subject: Certificate of Appropriateness No. COA130209
202 Market Square, S.E., Tax ID#: 4010903

The City of Roanoke Architectural Review Board considered your request for a Certificate of Appropriateness and your request was approved as set out on the enclosed Certificate. ***Please bring your Certificate and drawings with you to Room 170, Noel C. Taylor Municipal Building, when applying for all applicable permits.***

If you have any questions relative to this matter, please contact Jillian Papa at 853-1522.

Sincerely,

Candace R. Martin, Secretary
Architectural Review Board

enclosure



PLANNING, BUILDING AND DEVELOPMENT

Noel C. Taylor Municipal Building
215 Church Avenue, SW, Room 166
Roanoke, Virginia 24011
540.853.1730 fax 540.853.1230
planning@roanokeva.gov

PLEASE POST

CERTIFICATE OF APPROPRIATENESS

No.: COA130209

Date: September 12, 2013

On September 12, 2013, the City of Roanoke Architectural Review Board granted this Certificate of Appropriateness to Stephen Rosenoff approving the following at 202 Market Square, S.E., as per the application and plans presented to the Board on the date set out above.

1. Recover six (6) existing awnings with black and white striped patterns and lettering according to the photographic renderings submitted. The height of the lettering on valances will not exceed 11".
2. Install two (2) new shed style awnings facing Campbell Avenue. The awnings are 20' 7" and 16' 01" in width and will project 3' 3" from the building. The placement will be 15' above the sidewalk, on the transom bar. The awnings will be black and white stripe according to the photographic rendering submitted.
3. Repaint the brickwork (currently maroon) to Blindfold.
4. Repaint trim (currently light cream) to Iron Frost.
5. Repaint accent details (currently dark cream) to Blindfold.

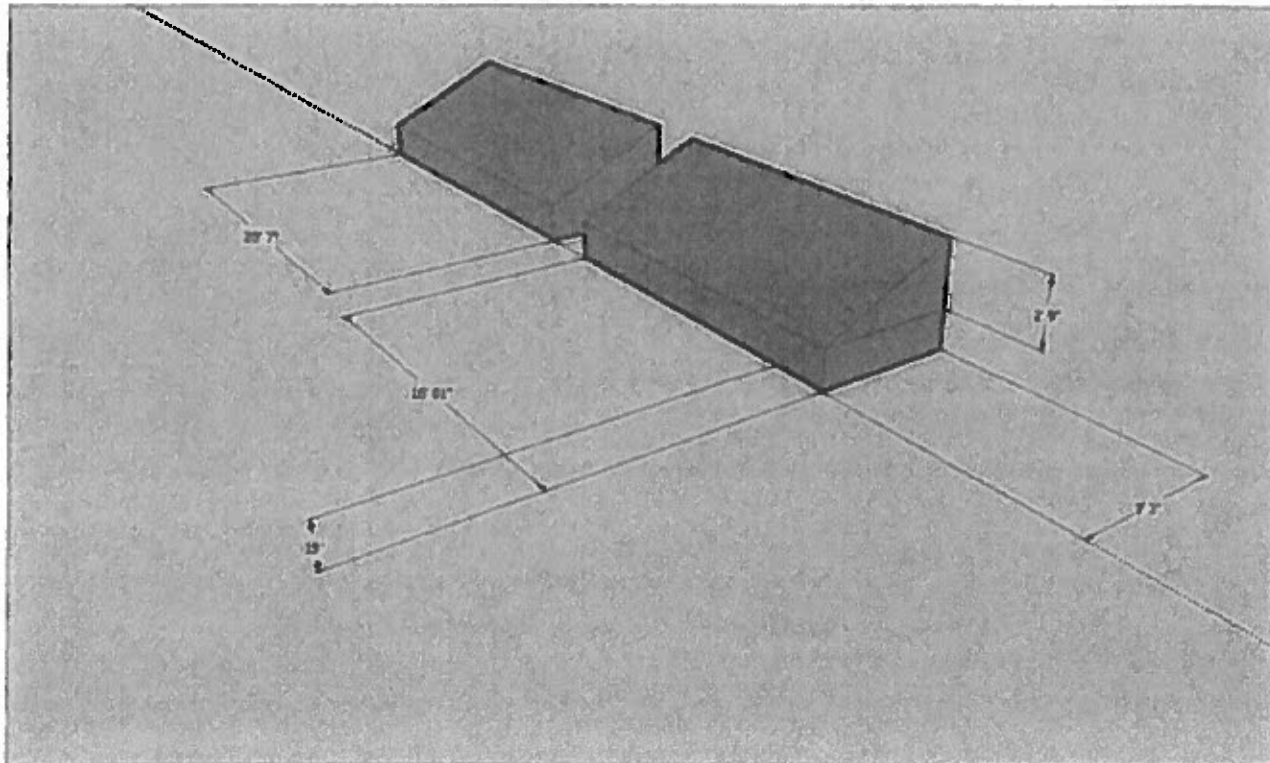
This Certificate is valid for one year from the date set out above.

Derek Cundiff, Chair

Tammy Palmer

From: Mateo Marquez
Sent: Thursday, August 15, 2013 12:17 PM
To: stephen rosenoff; Tammy Palmer
Subject: Awning Dimensions

Is this enough to show dimensions?



New Awning

NEW AWNINGS



Need Measurements of New awnings

By tomorrow to go 9/12/13

Need Demination of Letters
& Color of new paint

stayed
as in front
Kila
Awful
Andrews

Tammy Palmer

From: Mateo Marquez
Sent: Thursday, August 15, 2013 12:40 PM
To: Tammy Palmer
Cc: stephen rosenoff
Subject: Re: Awning Dimensions
Attachments: TextSizing.jpeg

Here is the basics of letter sizing.

Should have all the details. No matter what text we choose to put on the awnings ~ the maximum height of it will be 11"



On Aug 15, 2013, at 12:18 PM, Tammy Palmer wrote:

Should work, just need size of letters

1
This Logo
ON all

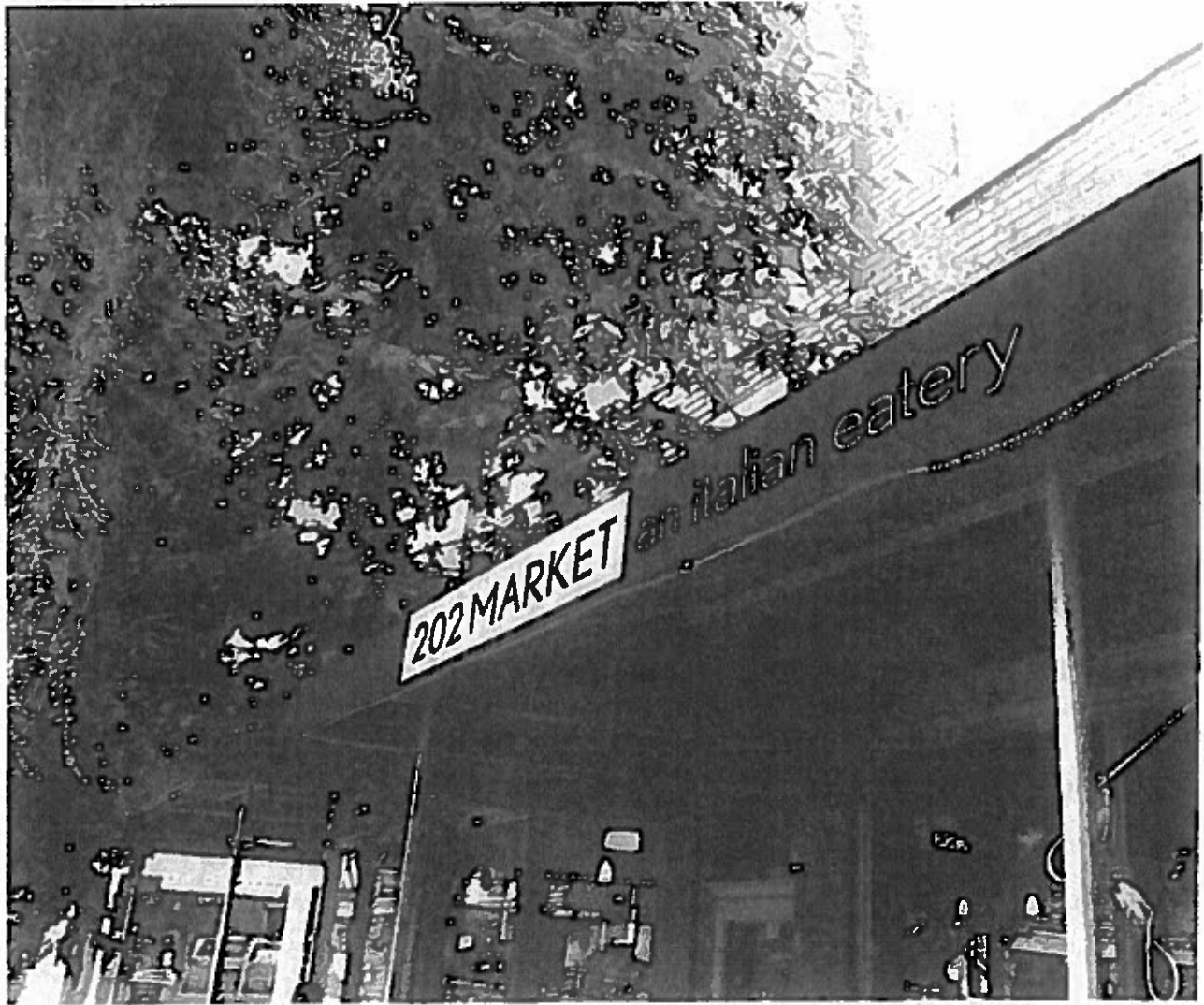
From: Mateo Marquez [mailto:mateomrquez@gmail.com]
Sent: Thursday, August 15, 2013 12:17 PM
To: stephen rosenoff; Tammy Palmer
Subject: Awning Dimensions

Is this enough to show dimensions?

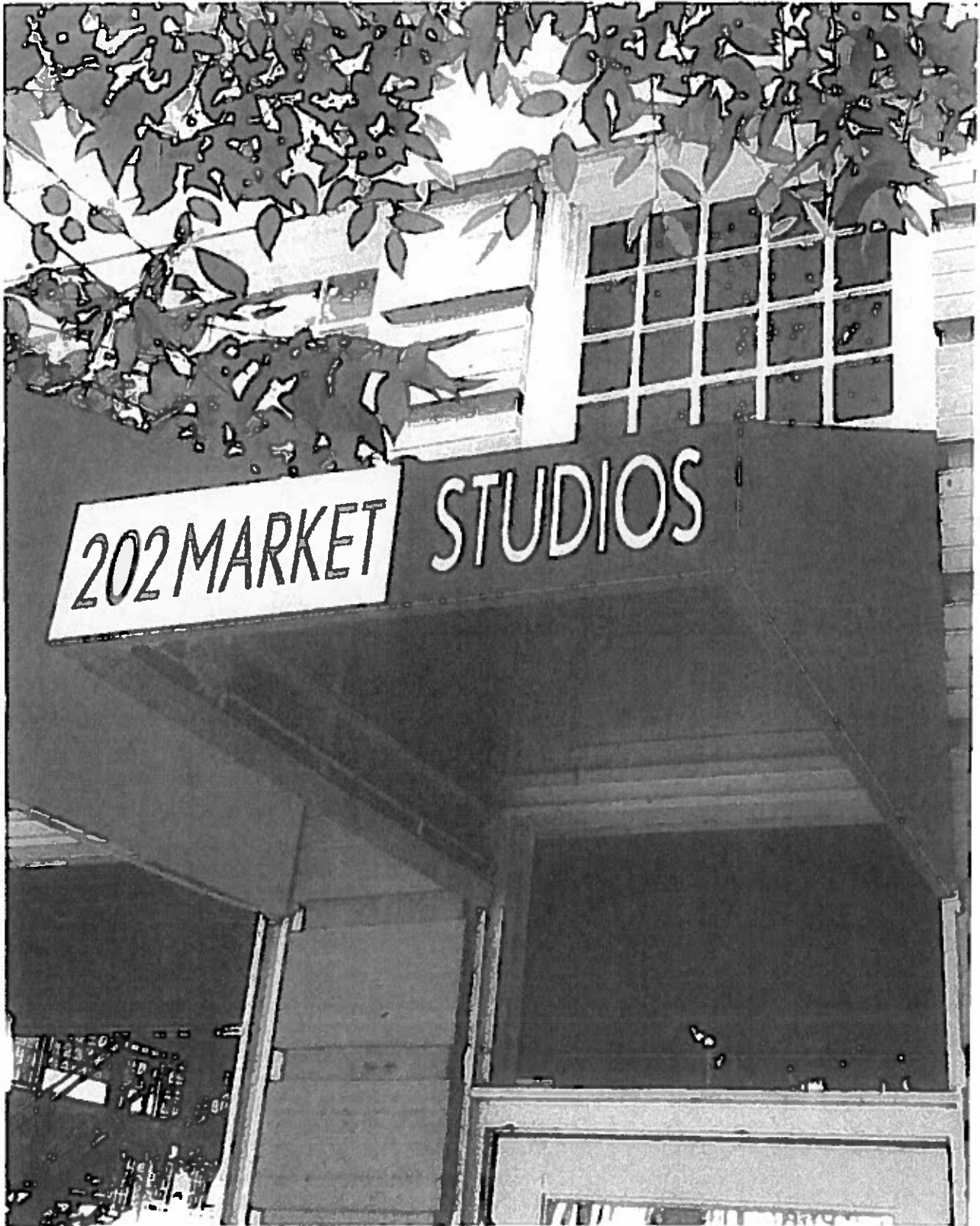
<image001.jpg>



Recover



Recover

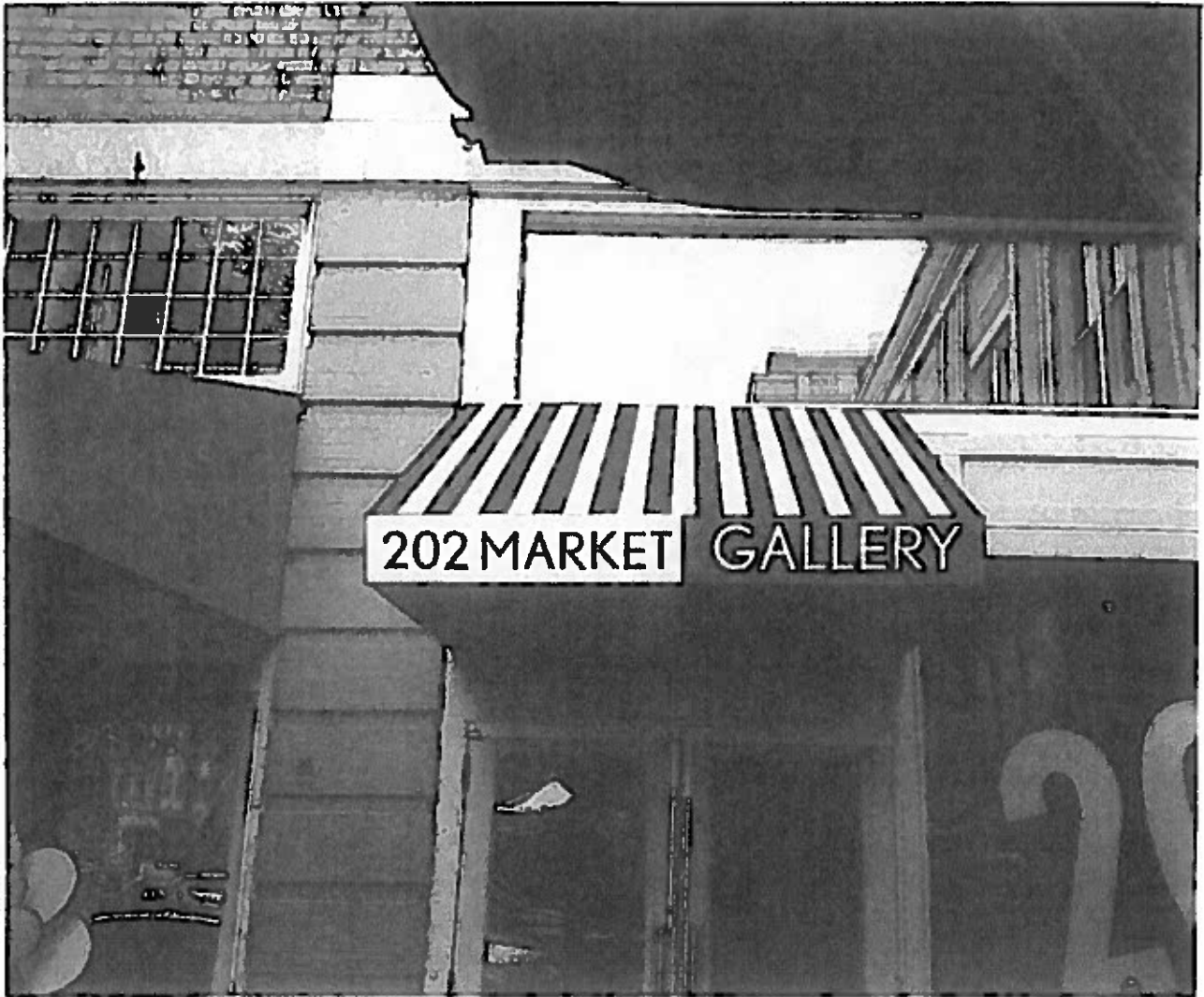


Recover



Recover

the valence = 15 inches



Recover

Paint



Dark Cream to Light Grey (60% Grey)



Light Cream to Charcoal Grey (80% Grey)



Maroon Brick to Charcoal Grey (80% Grey)



A black and white photograph of a storefront. The building has a brick facade with a large window above the entrance. A white awning extends over the entrance. A sign is mounted on the awning. In the foreground, there is a chain-link fence with large numbers '22' and a string of lights.

STEFANO'S an italian kitchen

202 RESTAURANT - 778-8448

202 MARKET SQUARE

ROD WOLFE, JR. 24511 - WWW.202MARKET.NET

540-343-6644 FAX-540-343-6680

STEPHEN ROSENOFF - STEVE @ 202-MARKET.NET

MARKET STREET cell 540-798-8448
E-mail - stephenrosenoff@gmail.com

SUNNYSIDE AWNING CO.
801 Salem Ave., S.W.
Roanoke, VA 24018
1-540-344-7726 Fax 344-0464

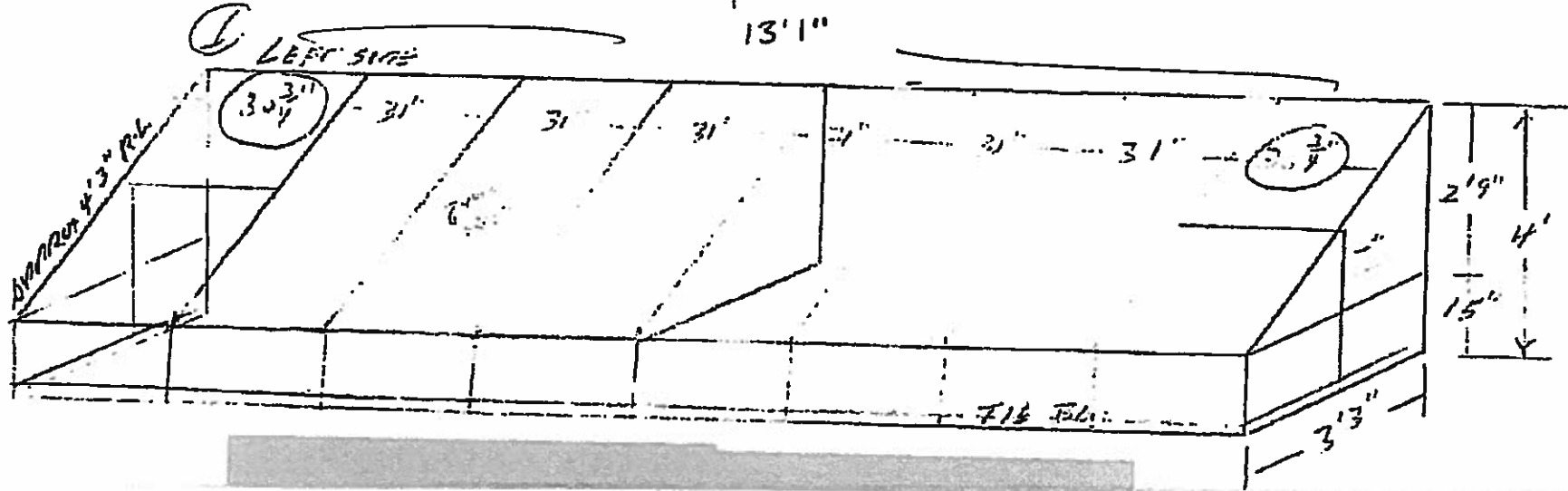


EXHIBIT “D”

(Outdoor Dining Approval, May 22, 2014)

BLANK PAGE



Re: Revised 202 Market Outside Dining 
Bob Bengtson to: stephen rosenoff
Cc: Sherman Stovall, Daniel J Callaghan

05/22/2014 01:41 PM

Steve,

City staff has completed its review and i hereby approve the attached sidewalk dining plan (the revised version which we received from you today). You are authorized to proceed with implementation. I appreciate the manner in which we were able to collaboratively work to arrive at this revised layout and anticipate that this will be welcomed by the downtown community and its many visitors. Thank you!

Bob Bengtson
Director of Public Works
City of Roanoke



Doc - May 22, 2014, 12:26 PM.pdf

stephen rosenoff

Bob and Joey, i hope that this will meet your app...

05/21/2014 01:11:53 PM

From: stephen rosenoff <stephenrosenoff@gmail.com>
To: "Bob.Bengtson@roanokeva.gov" <Bob.Bengtson@roanokeva.gov>, Joey Pugh Asst Fire Marshall <joe.pugh@roanokeva.gov>,
Cc: "Sen. John Edwards" <jselaw@roacoxmail.com>, daniel.callaghan@roanokeva.gov
Date: 05/21/2014 01:11 PM
Subject: Revised 202 Market Outside Dining

Bob and Joey,

I hope that this will meet your approval. If I receive approval today, I will have the tables, that would be in the "Public Sidewalk", moved into the Revised 202 Market Outside Dining area, as shown in the attachment.

Should there exist any question, please do not hesitate to call me.

Thanks,

Steve
540-798-8448 cell

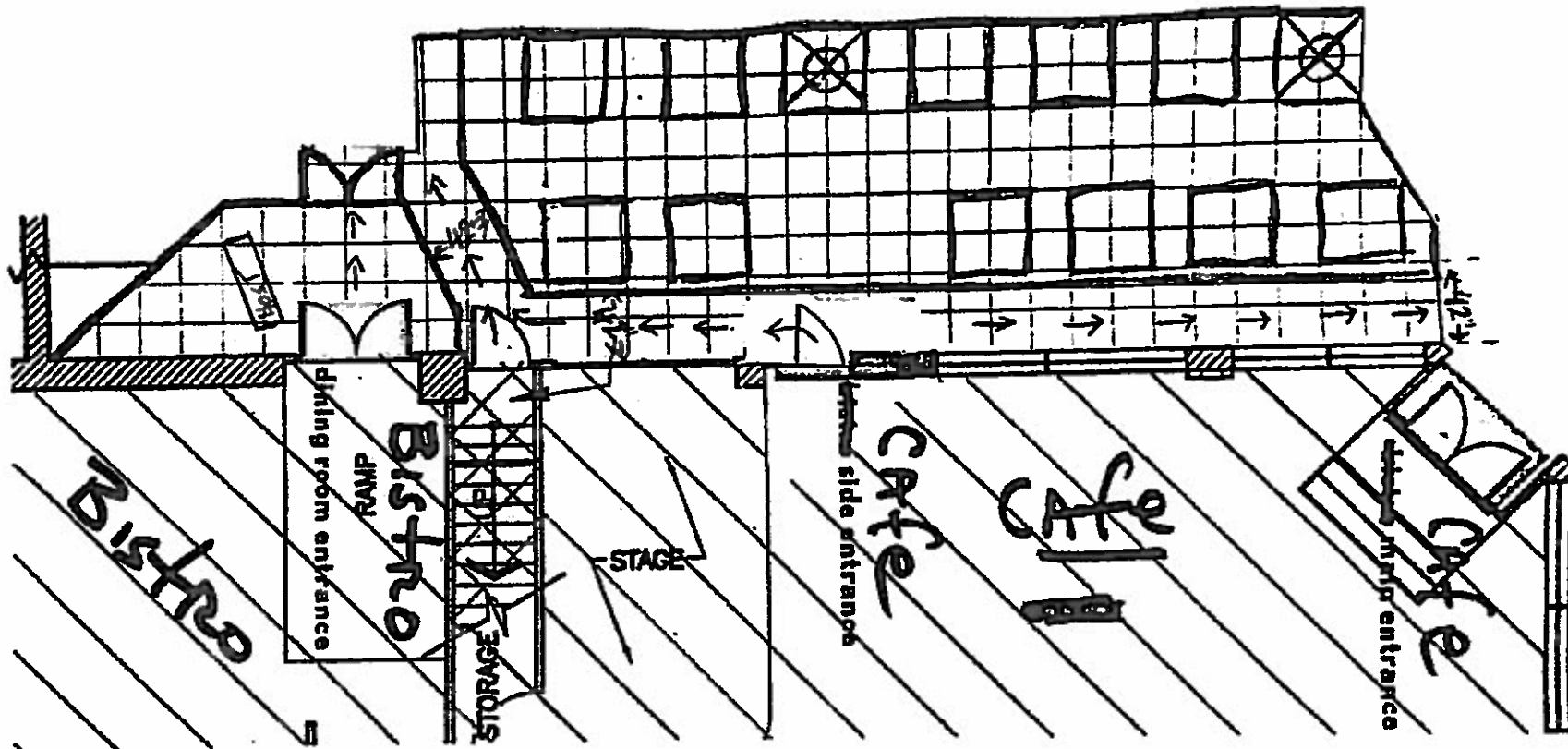
----- Forwarded message -----

From: Stephen Rosenoff <steve@202market.net>
Date: Wed, May 21, 2014 at 12:57 PM
Subject: Revised 202 Market Outside Dining
To: "stephenrosenoff@gmail.com" <stephenrosenoff@gmail.com>

Sent from my iPhone

202 MARKETOUTSIDE DINING
- Revised 05/22/14/ 

→ FIRE EVACUATION

 TABLE TREE



ENTERED

Date 4/4/14

Permit # 00140010

Permit Application For
Outdoor Dining

Planning Building & Development

215 Church Ave., SW, Room 170

Roanoke, VA 24011

Phone: (540) 853-1090 Fax: 853-1594

www.roanokeva.gov

permitcenter@roanokeva.gov

Complete Form & Click Here to Submit Electronically

Property Address 202 Market St SE, Rky, Va 24011 Tax Map # 4010903

Applicant Name Stephen Rosenoff Business Name 202 MSC, LLC

Relationship to Property Owner ☒ Owner ☐ Tenant ☐ Agent Owner's Phone Number 540-798-8448

Applicant Address 202 Market St SE, City Roanoke State VA Zip Code 24011

Phone Number 540-343-6644 Fax Number email steve@202market.net

Owner Address 404 S. Jefferson St, UNIT 5 City Roanoke State Va Zip Code 24011

The Following information must be attached:

- ☒ Written description and photos of all furniture.
- ☒ Drawing or Diagram of Outdoor Dining Area, clearly showing the square footage requested
- ☒ Current Certificate of Insurance
- ☐ Sign Permit Application (if necessary)

Hours of operation in outdoor dining area:

11:30AM 3:00AM

Dates of operation:

09/01/14 to 11/31/14

Amount of Square Feet Requested:

820

A \$75 fee will be charged for each new permit application and/or a furniture design change.

Click here to access the Outdoor Dining Guidelines packet

Please make checks payable to City of Roanoke.

If Permittee plans to use adjoining property, signature(s) of owner(s) of affected property (properties) must be obtained.

I consent to having permission to conduct outdoor dining in front of tax#

through December 31 of the year,

Signature of Property Owner

Signature of Applicant

Property Owner Permission (if Not Applicant)

I understand and agree to comply with all rules, regulations, ordinances, laws, statutes or conditions imposed by the City of Roanoke applicable to this print

I have read this application and hereby give my consent to its submission

Signature of Applicant

Date 04/02/12

Signature of Owner

Date 04/02/12

Internal office administration - Additional Conditions of Permit to be attached in separate letter Date Application and \$75 Fee Received

Total Square Footage

Total Months

Total Amount Approved \$

Signature of City Manager or Designee

Date



Permit Center
Counter Checklist:
Submittal of Permit Application

RECEIVED

APR 02 2014

City of Roanoke
Planning Building and Development

☒ Outdoor Dining Application- PLOD(OD)

- ☒ Application Form – appropriate form
- ☒ Application - completed & signed (If applicant is not the owner, need Property Owner signature as well)
- ☒ Tax Map Number determined based on address provided on application
- ☒ Address - confirmation (application, GIS, Permits Plus)
- ☒ Current Liability Insurance Certificate
- ☒ Supporting documents
 - o Written description and photos of all furniture
 - o Drawing or diagram of Outdoor Dining Area
- ☒ Verify hours of operation, dates of operation and square footage for which permit is requested
- ☒ Date Stamp Application

(C) Mack
Initials of Technician completing checklist

Attach completed and initialed checklist to application package and route package for initialization of activity in Permits Plus



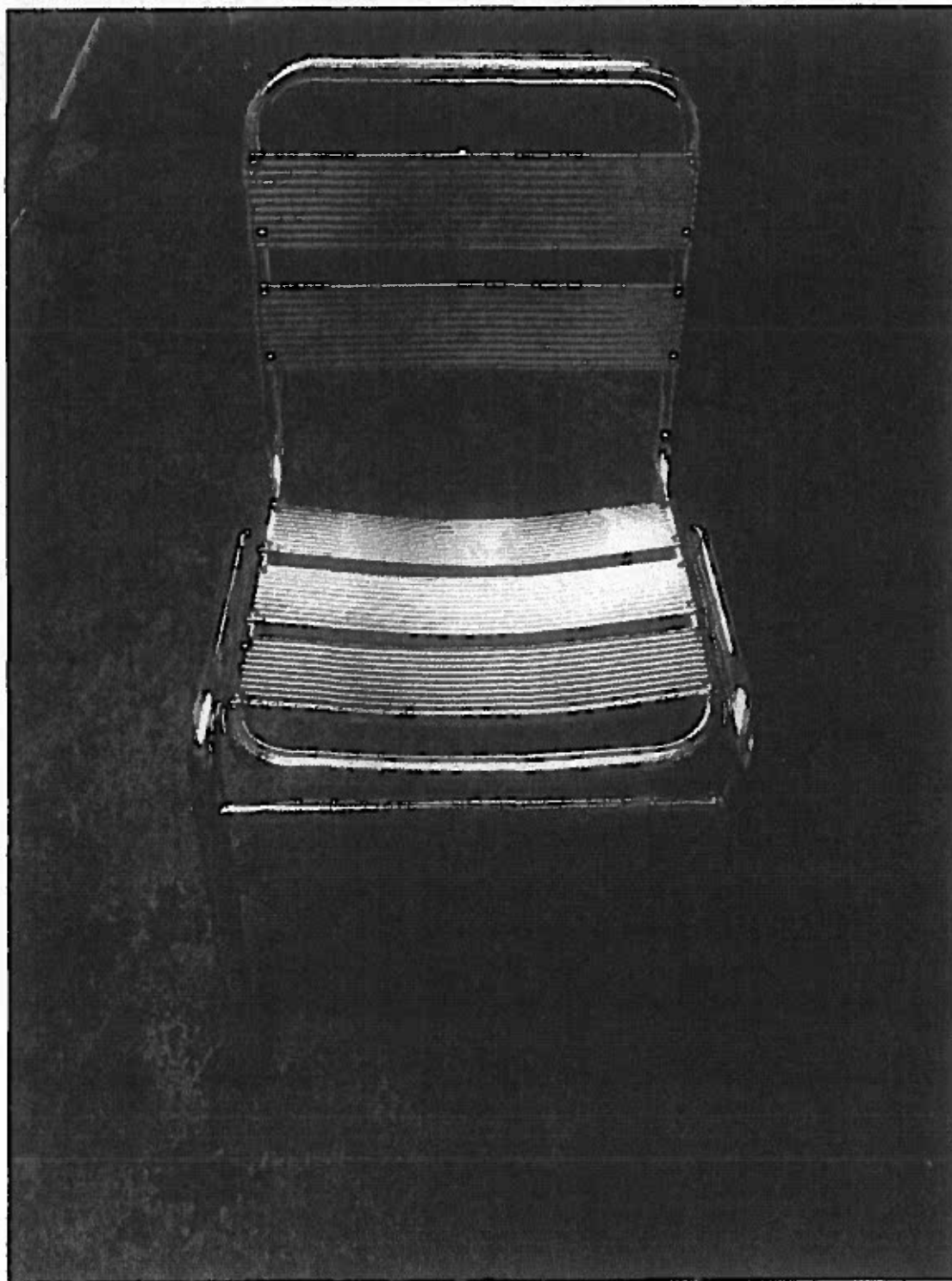


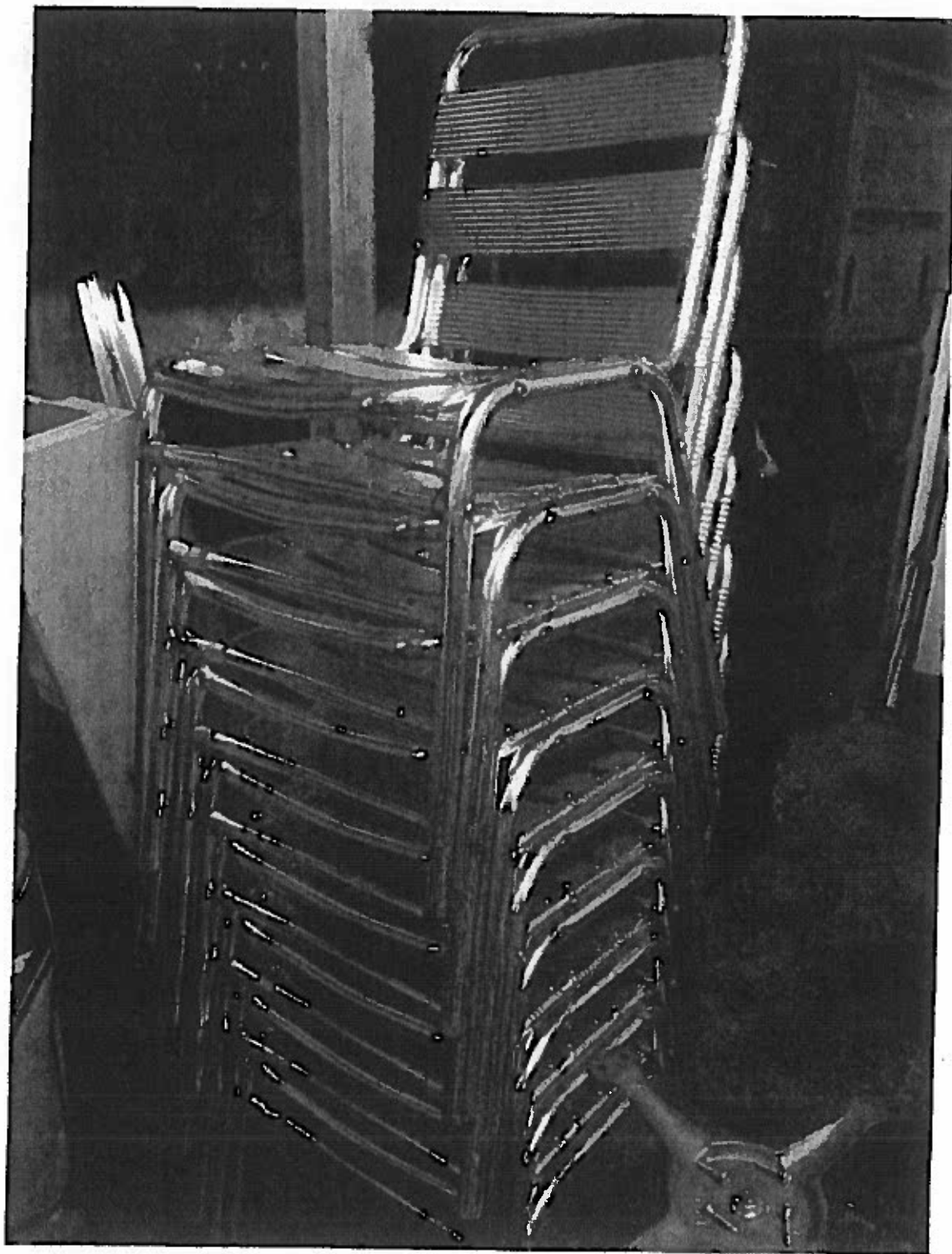




47" 47"

30"
PLANTER





OD 140010

202 MARKET

REVISED

4:08 pm, Apr 09, 2014

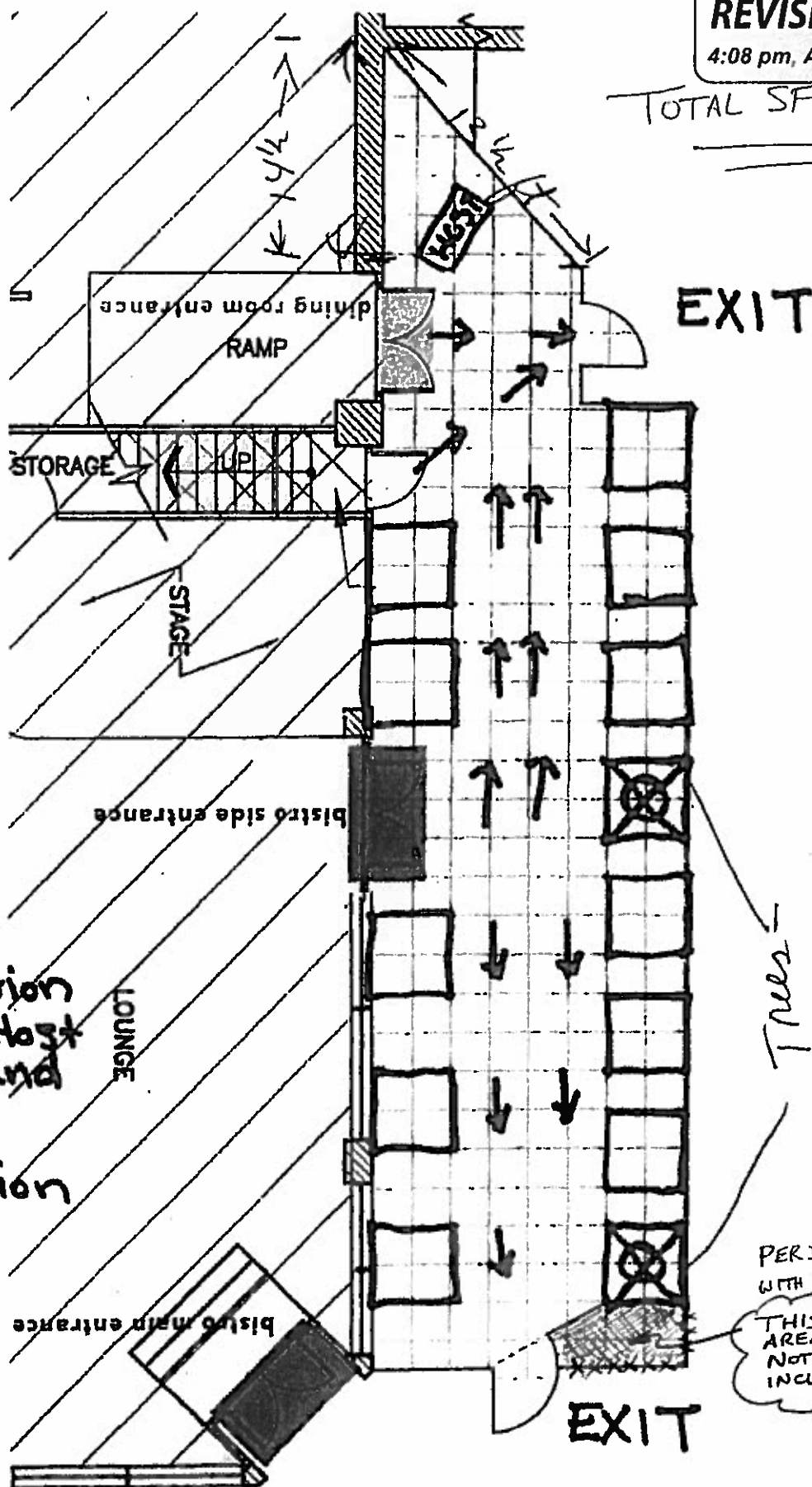
TOTAL SF = 800 sq ft.

location
of Host
Stand

→ Fire
Evacuation

□ Table

⊠ TREE

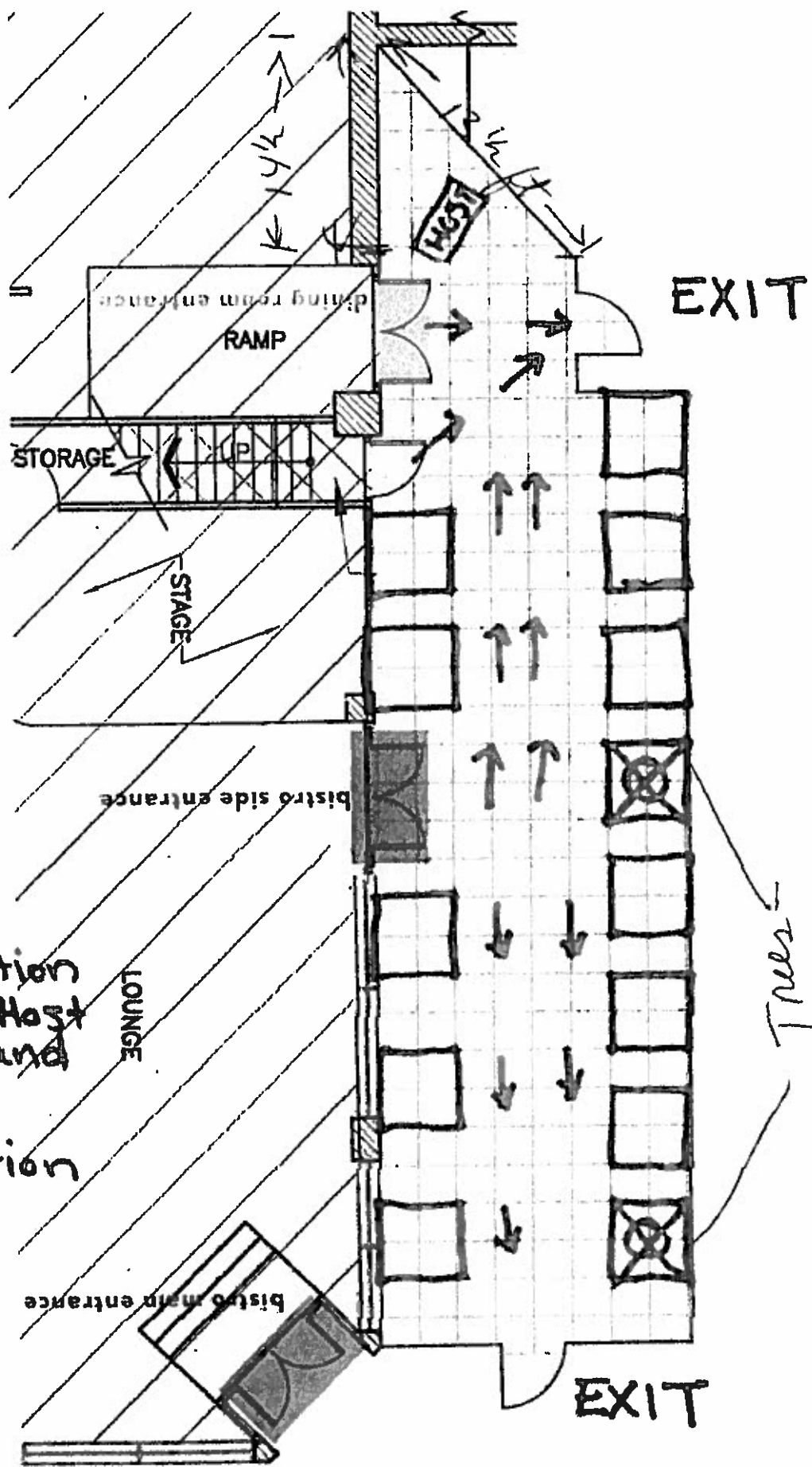


PER DISCUSSION
WITH STEVE ROSENOFF

4/9/14

12LB

THIS
AREA
NOT
INCLUDED



HOST - location of Host stand

→ **Fire Evacuation**

□ **Table**

⊗ **TREE**

ACORD CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

03/28/2014

PRODUCER (276) 223-1148

RISK SOLUTIONS Insurance & Financial Service
110 East Main St.
P.O. Box 555

Wytheville VA 24382-

INSURED

202 Market Square Properties, 202 Market
Square LLC T/A MSC, LLC

PO Box 12843

Roanoke VA 24015-

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION
ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE
HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR
ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURERS AFFORDING COVERAGE

NAIC #

INSURER A Covington Specialty Ins

INSURER B

INSURER C

INSURER D

INSURER E

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED NOTWITHSTANDING ANY
REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN
THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES
AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS

INSTRUMENT LTH VS SPD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A X	GENERAL LIABILITY X COMMERCIAL GENERAL LIABILITY CLAIMS MADE X OCCUR	VBA 228410 00	10/17/2013	10/17/2014	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS & COMPOUND AGG \$ 2,000,000
	AUTOMOBILE LIABILITY ANY AUTO ALL OWNED AUTOS SCHEDULED AUTOS HIRER AUTOS NON OWNED AUTOS		/ /	/ /	COMBINED SINGLE LIMIT (Per accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	GARAGE LIABILITY ANY AUTO		/ /	/ /	AUTO ONLY - EA ACCIDENT \$ OTHER THAN EA ALL \$ AUTO ONLY AGG \$
	EXCESS UMBRELLA LIABILITY OCCUR CLAIMS MADE DEDUCTIBLE RETENTION \$		/ /	/ /	EACH OCCURRENCE \$ AGGREGATE \$ \$ \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED?		/ /	/ /	VA STATU TORY LIMITS OTH ER E L EACH ACCIDENT \$ E L DISEASE - EA EMPLOYEE \$ E L DISEASE - POLICY LIMIT \$
	OTHER		/ /	/ /	

DESCRIPTION OF OPERATIONS LOCATIONS/VEHICLES EXCLUSIONS ADDED BY ENDORSEMENTS/SPECIAL PROVISIONS

PER THE TERMS, CONDITIONS & EXCLUSIONS OF THE POLICY FORMS.

The certificate holder below, The City of Roanoke, its officers, employees and agents, assigns and volunteers are
named as additional insured's for the outside dining exposure in regards to the General Liability Policy listed above

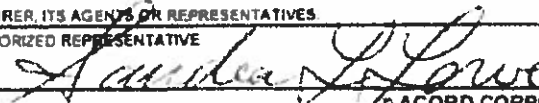
CERTIFICATE HOLDER

() -
City of Roanoke - Planning, Building &
Economic Development
215 Church Ave.
Roanoke VA 24011-

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE
EXPIRATION DATE THEREOF THE ISSUING INSURER WILL ENDEAVOR TO MAIL
030 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT
FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE
INSURER, ITS AGENTS OR REPRESENTATIVES

AUTHORIZED REPRESENTATIVE



IMPORTANT

If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

DISCLAIMER

The Certificate of Insurance on the reverse side of this form does not constitute a contract between the issuing insurer(s), authorized representative or producer, and the certificate holder, nor does it affirmatively or negatively amend, extend or alter the coverage afforded by the policies listed thereon.

EXHIBIT “E”

(Appeal received by the City Clerk, Tuesday, January 13, 2015)

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**CITY OF ROANOKE
OFFICE OF THE CITY CLERK**

215 Church Avenue, S. W., Suite 456

Roanoke, Virginia 24011-1536

Telephone: (540) 853-2541

Fax: (540) 853-1145

E-mail: clerk@roanokeva.gov

STEPHANIE M. MOON REYNOLDS, MMC
City Clerk

JONATHAN E. CRAFT, CMC
Deputy City Clerk

CECELIA T. WEBB, CMC
Assistant Deputy City Clerk

January 14, 2015

The Honorable Mayor and Members
of the Roanoke City Council
Roanoke, Virginia

Dear Mayor Bowers and Members of Council:

I am enclosing copy of a Petition for Appeal filed by Dr. Stephen Rosenoff and 202 Market Street, d/b/a Stefano's on the Market, in connection with a decision of the Architectural Review Board at its meeting of December 19, 2014, denying your request to amend the previously approved Certificate of Appropriateness to allow roll-down awnings on the side of the building located at 202 Market Street, S. E., which is not consistent with the H-1 Guidelines. The petition was filed in the City Clerk's Office on Tuesday, January 13, 2015.

Section 36.2-530(c)(5), Certificate of Appropriateness, Code of the City of Roanoke (1979), as amended, provides that any property owner aggrieved by any decision of the Architectural Review Board may present to the City Council a petition appealing such decision, provided such petition is filed within 30 calendar days after the decision is rendered by the Board. The Council shall schedule a public meeting and render a decision on the matter within 60 calendar days of receipt of the petition, unless the property owner and the Agent to Architectural Review Board agree to an extension. The Council may affirm, reverse or modify the decision of the Architectural Review Board, in whole or in part, or refer the matter back to the Board.

With the concurrence of City Council, a public meeting will be scheduled for Monday, March 16, 2015, at 7:00 p.m., or as soon thereafter as the matter may be heard, to render a decision in connection with the above stated matter.

Sincerely,

Stephanie M. Moon Reynolds, MMC
City Clerk

Enclosure

Mayor and Members of Council
January 14, 2015
Page 2

pc: John S. Edwards, Esquire, P.O. Box 1179, Roanoke, Virginia 24006-1179
Dr. Stephen Rosenoff, 202 Market Street, S. E., Roanoke, Virginia 24011
Christopher P. Morrill, City Manager
Daniel J. Callaghan, City Attorney
Steven J. Talevi, Assistant City Attorney
Parviz ~~Jillian Papa~~, Agent, Architectural Review Board
Derek Cundiff, Chair, Architectural Review Board
Candace R. Martin, Secretary, Architectural Review Board

VIRGINIA:

IN THE COUNCIL OF THE CITY OF ROANOKE

IN THE MATTER OF)
)
) PETITION FOR APPEAL
)
 202 Market Street and)
)
 Dr. Stephen Rosenoff)

This is a Petition for Appeal from a decision of the Architectural Review Board under Section 36,2-530(c)(5) of the Zoning Ordinance of the Code of the City of Roanoke (1979), as amended.

1. Name of the Petitioner(s): Stephen Rosenoff and 202 Market
2. Doing business as (if applicable): Stefano's on the Market
3. Street address of property which is the subject of this appeal: 202 Market Street, SE, Roanoke, Virginia 24011
4. Overlay zoning (H-1, Historic Downtown Overlay District, or H-2, Historic Neighborhood Overlay District) of property(ies) which is the subject of this appeal: H-1
5. Date the hearing before the Architectural Review Board was held at which the decision being appealed was made: December 19, 2014
6. Section of the Code of the City of Roanoke under which the Certificate of Appropriateness was requested from the Architectural Review Board (Section 36.2-330, if H-1 or Section 36.2-331, if H-2): Section 36.2-330
7. Description of the request for which the Certificate of Appropriateness was sought from the Architectural Review Board: Roll-down awnings on the side of the building.
8. Grounds for appeal: Application complies with all applicable architectural design guidelines. Among other things, the application provides roll down enclosures to protect patrons from inclement weather, when necessary.

Name, title, address and telephone number of person(s) who will represent the Petitioner(s) before City Council:

John S. Edwards, Esq.
P.O. Box 1179
Roanoke, Virginia 24006-1179
540-985-8625 – Phone
540-345-9950 - Fax
jselaw@edwardsva.com

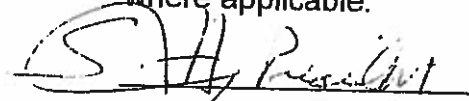
WHEREFORE, your Petitioner(s) requests that the action of the Architectural Review Board be reversed or modified and that a Certificate of Appropriateness be granted.

Signature of Owner(s)
(If not Petitioner):



Dr. Stephen Rosenoff
Name (Print or Type)

Signature of Petitioner(s)
or representative(s),
where applicable:



202 Market Street
Name (Print or Type)

TO BE COMPLETED BY CITY CLERK:

Received by: Stephanie M. Montoya Date: 1/13/2015

Plan 5

C.I.(b)

SUGGESTED MOTION TO AFFIRM THE DECISION OF THE CITY OF ROANOKE ARCHITECTURAL REVIEW BOARD AND TO DENY THE REQUEST FOR A CERTIFICATE OF APPROPRIATENESS TO ALLOW TWO ROLL DOWN AWNINGS AT 202 MARKET SQUARE, S.E.

"Based upon the evidence (testimony and documents) presented to this Council at today's hearing, I move that the decision of the City of Roanoke Architectural Review Board on December 19, 2014, be affirmed and that no Certificate of Appropriateness be issued to allow two roll down awnings at 202 Market Square, S.E., as set forth in the Application for Certificate of Appropriateness, on the ground that the installation is not architecturally compatible with the structures or historic landmarks in the H-I District."

Or

SUGGESTED MOTION TO REVERSE THE DECISION OF THE CITY OF ROANOKE ARCHITECTURAL REVIEW BOARD AND TO GRANT THE REQUEST FOR A CERTIFICATE OF APPROPRIATENESS TO ALLOW TWO ROLL DOWN AWNINGS AT 202 MARKET SQUARE, S.E.

"Based upon the evidence (testimony and documents) presented to this Council at today's hearing, I move that the decision of the City of Roanoke Architectural Review Board on December 19, 2014, be reversed and that a Certificate of Appropriateness be issued to allow two roll down awnings at 202 Market Square, S.E., as set forth in the Application for Certificate of Appropriateness, on the ground that the installation is architecturally compatible with the structures or historic landmarks in the H-I District."

D.1(a)



STEPHANIE M. MOON REYNOLDS, MMC
City Clerk

**CITY OF ROANOKE
OFFICE OF THE CITY CLERK**

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Roanoke, Virginia 24011-1536

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JONATHAN E. CRAFT, CMC
Deputy City Clerk

CECELIA T. WEBB, CMC
Assistant Deputy City Clerk

February 18, 2015

Ricky Mitchell
436 Walnut Avenue, S. W.
Roanoke, Virginia 24016

Dear Mr. Mitchell:

Discussion of the matter regarding your petition appealing a decision of the Architectural Review Board for a Certificate of Appropriateness to allow the installation of replacement windows at 436 Walnut Avenue, S. W., which is not consistent with the H-2 Guidelines, was continued until the regular meeting of Roanoke City Council scheduled to be held on Monday, March 16, 2015 at 7:00 p.m., or as soon thereafter as the matter may be heard.

Sincerely,

Stephanie M. Moon Reynolds, MMC
City Clerk

pc: Christopher P. Morrill, City Manager
Daniel J. Callaghan, City Attorney
Steven J. Talevi, Assistant City Attorney
Parviz Moosavi, Agent, Architectural Review Board
Candace R. Martin, Secretary, Architectural Review Board



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STEPHANIE M. MOON REYNOLDS, MMC
City Clerk

JONATHAN E. CRAFT, CMC
Deputy City Clerk

CECELIA T. WEBB, CMC
Assistant Deputy City Clerk

February 3, 2015

Ricky Mitchell
436 Walnut Avenue, S. W.
Roanoke, Virginia 24016

Dear Mr. Mitchell:

Your petition appealing a decision of the Architectural Review Board for a Certificate of Appropriateness to allow the installation of replacement windows at 436 Walnut Avenue, S. W., which is not consistent with the H-2 Guidelines, was scheduled to be heard at a regular meeting of Roanoke City Council on Monday, February 2, 2015.

The matter was tabled until 7:00 p.m., or as soon thereafter on Tuesday, February 17, 2015.

Sincerely,

Stephanie M. Moon Reynolds, MMC
City Clerk

pc: Christopher P. Morrill, City Manager
Daniel J. Callaghan, City Attorney
Steven J. Talevi, Assistant City Attorney
Parviz Moosavi, Agent, Architectural Review Board
Candace R. Martin, Secretary, Architectural Review Board

VIRGINIA:

IN THE COUNCIL OF THE CITY OF ROANOKE

IN THE MATTER OF

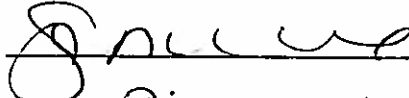
PETITION FOR APPEAL

This is a Petition for Appeal from a decision of the Architectural Review Board under Section 36.2-530(c)(5) of the Zoning Ordinance of the Code of the City of Roanoke (1979), as amended.

1. Name of the Petitioner(s): Ricky Mitchell
2. Doing business as (if applicable): _____
3. Street address of property which is the subject of this appeal: 4136 Walnut Ave, SW
4. Overlay zoning (H-1, Historic Downtown Overlay District, or H-2, Historic Neighborhood Overlay District) of property(ies) which is the subject of this appeal: H-2
5. Date the hearing before the Architectural Review Board was held at which the decision being appealed was made: 13 NOV 2014
6. Section of the Code of the City of Roanoke under which the Certificate of Appropriateness was requested from the Architectural Review Board (Section 36.2-330, if H-1 or Section 36.2-331, if H-2): 36.2-331
7. Description of the request for which the Certificate of Appropriateness was sought from the Architectural Review Board: redoument of windows
8. Grounds for appeal: I am a severely disabled person with issues that make it necessary to replace the windows for his comfort, mental and physical health and safety
9. Name, title, address and telephone number of person(s) who will represent the Petitioner(s) before City Council: Ricky Mitchell
540-985-0530

WHEREFORE, your Petitioner(s) requests that the action of the Architectural Review Board be reversed or modified and that a Certificate of Appropriateness be granted.

Signature of Owner(s)
(If not Petitioner):


Name: Ricky Mitchell
(print or type)

Name: _____
(print or type)

Signature of Petitioner(s) or
representative(s), where
applicable:

Name: _____
(print or type)

Name: _____
(print or type)

TO BE COMPLETED BY CITY CLERK:

Received by: Cecilia T. Webb Date: 12/11/14

STATEMENT OF CONFLICT OF INTEREST

I DAVID A. BOWERS state that I have a personal interest in agenda item 12a regarding the appeal filed by Ricky Mitchell
from a decision of the Architectural Review Board,
because I have a personal relationship with the
appellant.

Therefore, pursuant to Virginia Code Section 2.2-3112, I must refrain from participation in this matter. I ask the City Clerk to accept this statement and ask that it be made a part of the minutes of this meeting.

Witness the following signature made this 2d day of February, 2014.

 (SEAL)
DAVID A. BOWERS



CITY COUNCIL AGENDA REPORT

To: Honorable Mayor and Members of City Council
Meeting: February 2, 2015
Subject: Appeal of a decision of the Architectural Review Board at its meeting of November 13, 2014, denying the request to allow for the installation of replacement windows at 436 Walnut Avenue, S.W., which is not consistent with the H-2 Guidelines

Background:

The subject property at 436 Walnut Avenue, S.W., is a 2½ story, single-family home located within the H-2 Historic Neighborhood Overlay District. The H-2 Architectural Design Guidelines (Guidelines) adopted by the Architectural Review Board (ARB) and endorsed by City Council provides recommendations for exterior alterations of buildings. The ARB uses the Guidelines during its monthly meetings to consider applications related to alterations, additions, and new constructions within the established historic districts. Approved proposals are granted a Certificate of Appropriateness (COA), which is necessary to obtain proper permits from the Permit Center of the Planning, Building, and Development Department.

The Southwest Historic District was designated a National Historic District in 1985. The district is a large urban residential neighborhood that encompasses 1,547 contributing structures developed between 1882 and 1930, a period of tremendous growth and prosperity in the City of Roanoke's early history. It is a primarily residential district consisting of a variety of popular architectural style of houses.

As in many other historic districts, the structures in the Southwest Historic District have gone through changes throughout the years. Fortunately, many structures have maintained their architectural integrities due to the efforts of the area residents, the City of Roanoke, and other historic preservation-minded organizations and individuals.

The subject property includes a residence that is a great example of the structures in the Southwest Historic District that still maintains its appearance and material, including original windows.

EXHIBIT A

(Application for Certificate of Appropriateness in H-2 Historic District)

On October 16, 2014, a COA application was submitted by Mr. Ricky T. Mitchell, the owner of the property at 436 Walnut Avenue, S.W., for the proposed scope of work:

- Replace all windows, wood for wood, same appearance.

EXHIBIT B

(Staff report to ARB, November 13, 2014)

Staff prepared the ARB report considering the scope of work proposed in comparison with the established Architectural Design Guidelines for the H-2 Historic District and cited the following guidelines stated under "Windows and Doors":

Window Replacements:

- Replace entire windows *only* when they are missing or beyond repair.
- If owners choose to remove and replace their historic windows they must first present sufficient physical and photographic evidence and information to the ARB regarding the condition of the existing windows and the feasibility of repair/replacement in-kind, and replacement with new materials. Replacement should be based upon physical evidence and photo documentation rather than the availability of stock or replacement windows.
- If historic windows need to be replaced, consider only the replacement of the sash units themselves and not the entire window frame or surround.
- Replace windows to improve thermal efficiency only as a last resort; match existing windows if replacement occurs.
- If replacement is warranted, use replacement windows with true divided lites or interior and exterior fixed muntins with internal spacers (known as simulated divided lites) to replace historic or original windows.

The staff report included the following comments from the Design Application Review Committee (DARC):

- There was no evidence that existing windows are in disrepair to justify the proposed window replacements.

In conclusion, staff provided the following recommendations:

- The proposal is not consistent with the H-2 Design Guidelines mentioned above.
- The existing windows appear to be in good condition and staff recommends denial of the application, as proposed.

EXHIBIT C
(ARB Meeting Minutes of November 13, 2014)

On November 13, 2014, the ARB reviewed and considered a COA application submitted by the applicant. The ARB received a presentation by Mr. Mitchell and his representative, Mr. W. R. Gibbs with Harvest General Contractors.

In addition, the ARB considered the DARC comments noted in the staff report.

After a general discussion and considering all of the evidence presented for the proposed window replacement, the ARB could not support the proposed window replacements because the existing windows were some of the nicest windows in the Old Southwest and they did not merit replacements. The ARB concluded that the application was inconsistent with the Design Guidelines of the H-2 Historic Overlay District. The ARB members unanimously voted to deny the application to replace the windows as proposed.

EXHIBIT D
(Letter sent to Mr. Ricky T. Mitchell, Denial of COA #140198)

Considerations:

City Council established the ARB with the stated purpose of protecting designated historic properties against destruction or architecturally incompatible buildings and structures. The ARB's review criteria are based on the standards set forth in the Zoning Ordinance, and, where applicable, its adopted Architectural Design Guidelines (Guidelines). The Guidelines adhere to the Secretary of Interior's Standards for Rehabilitation, which are federal criteria for appropriate treatment of historic buildings and contexts. The H-2 Guidelines for windows are relevant for consideration of this application. Staff and the ARB cited the following specific section:

Window Replacements:

- Replace entire windows *only* when they are missing or beyond repair.
- If owners choose to remove and replace their historic windows they must first present sufficient physical and photographic evidence and information to the ARB regarding the condition of the existing windows and the feasibility of repair/replacement in-kind, and replacement with new materials. Replacement should be based upon physical evidence and photo documentation rather than the availability of stock or replacement windows.
- If historic windows need to be replaced, consider only the replacement of the sash units themselves and not the entire window frame or surround.
- Replace windows to improve thermal efficiency only as a last resort; match existing windows if replacement occurs.

- If replacement is warranted, use replacement windows with true divided lites or interior and exterior fixed muntins with internal spacers (known as simulated divided lites) to replace historic or original windows.

EXHIBIT E

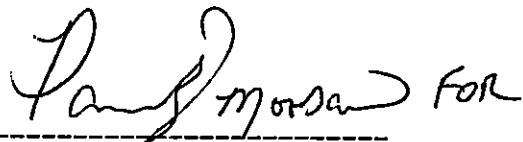
(Appeal received by the City Clerk, Thursday, December 11, 2014)

On Thursday, December 11, 2014, a Petition to Appeal was filed in the City Clerk's Office by Mr. Ricky T. Mitchell, in connection with a decision of the Architectural Review Board at its meeting of November 13, 2014, denying the request to allow for the installation of replacement windows at 436 Walnut Avenue, S.W., which is not consistent with the H-2 Design Guidelines.

As directed by the ARB Chairman, the ARB Agent reached out to the applicant on several occasions to request for a meeting with Mr. Ricky Mitchell to reach alternative solution(s). However, the offer was not accepted by Mr. Mitchell.

Recommended Action:

The Architectural Review Board recommends that the City Council affirms its decision to deny the issuance of a Certificate of Appropriateness to allow the installation of replacement windows at 436 Walnut Avenue, S.W.

A handwritten signature in black ink, appearing to read "Derek B. Cundiff", followed by the word "for" in a cursive script.

Derek B. Cundiff, Chair
Architectural Review Board

Enclosures: Exhibit A through Exhibit E

cc: Chris Morrill, City Manager
R. Brian Townsend, Assistant City Manager
Chris Chittum, Director of Planning Building & Development
Ian Shaw, Planning Administrator
Jillian Papa Moore, Zoning Administrator
Frederick Gusler, City Planner
Daniel J. Callaghan, City Attorney
Steven J. Talevi, Assistant City Attorney
Mr. Ricky T. Mitchell, Property Owner
Mr. W. R. Gibbs, Harvest General Contractors

351
1/27/15

D. I. (b)

SUGGESTED MOTION TO AFFIRM THE DECISION OF THE CITY OF ROANOKE ARCHITECTURAL REVIEW BOARD AND TO DENY THE REQUEST FOR A CERTIFICATE OF APPROPRIATENESS TO ALLOW THE REPLACEMENT OF EXISTING WINDOWS AT 436 WALNUT AVENUE, S.W.

"Based upon the evidence (testimony and documents) presented to this Council at today's hearing, I move that the decision of the City of Roanoke Architectural Review Board on November 13, 2014, be affirmed and that no Certificate of Appropriateness be issued to allow the replacement of existing windows at 436 Walnut Avenue, S.W., as set forth in the Application for Certificate of Appropriateness on the ground that the windows being replaced are architecturally compatible with the structures or historic landmarks in the H-2 District and are not missing or in need of repair."

Or

SUGGESTED MOTION TO REVERSE THE DECISION OF THE CITY OF ROANOKE ARCHITECTURAL REVIEW BOARD AND TO GRANT THE REQUEST FOR A CERTIFICATE OF APPROPRIATENESS TO ALLOW THE REPLACEMENT OF EXISTING WINDOWS AT 436 WALNUT AVENUE, S.W.

"Based upon the evidence (testimony and documents) presented to this Council at today's hearing, I move that the decision of the City of Roanoke Architectural Review Board on November 13, 2014, be reversed and that a Certificate of Appropriateness be issued to allow the replacement of existing windows at 436 Walnut Avenue, S.W., as set forth in the Application for Certificate of Appropriateness on the ground that the windows being replaced are in need of being replaced with windows that are architecturally compatible with the structures or historic landmarks in the H-2 District."